

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 1, 2021
Flag Salute

Meeting came to order: 4:00 p.m.
Clerk calls the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT
Also in attendance: Danielle La Valle, Municipal Clerk
Kyle Ominski, Administrator

Municipal Clerk announces: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and ASBURY PARK PRESS on December 24, 2020; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 21-01C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 178, WHICH PERTAINS TO STORMWATER REGULATIONS

Please note that in accordance with N.J.S.A. 40:49-2 there were several non-material changes made to the introduced Ordinance 21-01 and none of the changes substantially alter the substance of the ordinance.

STATEMENT OF PURPOSE

This Ordinance repeals and replaces Chapter 178 in order to revise the stormwater regulations and ensure continued compliance with the State of New Jersey requirements and the Township's MS4 general permit.

SECTION I

Chapter 178 is hereby repealed and replaced as follows.

§178-1 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. To establish minimum stormwater management requirements and controls for major developments, as defined by this Chapter.
- C. Applicability.
 - (1) Shall be applicable to the following major developments:
 - (a) Non-residential major developments; and
 - (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21-1, et seq.
 - (2) Shall also be applicable to all major developments undertaken by the Township.
- D. Compatibility with Other Requirements. Development approvals issued in accordance herewith 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 the Township Code and any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This Chapter 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 Chapter 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.

§178-2 Definitions.

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

CAFRA CENTERS, CORES, OR NODES

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

An increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE

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

COUNTY REVIEW AGENCY

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

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

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

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

The division of a parcel of land into 2 or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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

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.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

DRAINAGE AREA

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

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

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

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

The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE

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.

HIGH POLLUTANT LOADING AREAS

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 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.

HUC 14 OR HYDROLOGIC UNIT CODE 14

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.

ILLICIT CONNECTIONS

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system, unless that discharge is authorized under a NJPDES permit other than the Tier A municipal stormwater general permit. Nonphysical connections may include, but are not

limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

IMPERVIOUS SURFACE

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

INDUSTRIAL WASTE

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. § 1317(a), (b), or (c)).

INFILTRATION

The process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

An individual development, as well as multiple developments that individually or collectively result in:

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

Major development also 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 1 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 developments.

MOTOR VEHICLE

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

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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) and is designed and used for collecting and conveying stormwater.

MUNICIPALITY

Any city, borough, town, township, or village.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1, et seq.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL OR BMP MANUAL

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 §178-4F of this Code 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

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

NONCONTACT COOLING WATER

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

NUTRIENT

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

PERSON

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

POLLUTANT

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.

PROCESS WASTEWATER

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

RECHARGE

The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE

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);
- (4) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- (5) 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

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
- (3) quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT

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

The lot or lots upon which a major development is to occur or has occurred.

SOIL

All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

SOURCE MATERIAL

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.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN AND METROPOLITAN PLANNING AREA (PAI)

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

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

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

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

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

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY

A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

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

TIDAL FLOOD HAZARD AREA

A flood hazard area in which the flood elevation resulting from the 2-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

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

WATER CONTROL STRUCTURE

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE

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

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.

§ 178-3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major developments shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows.
 - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39, et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this Chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major developments 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.

§178-4 Stormwater Management Requirements for Major Developments.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §178-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §178-4P, Q and R:
 - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §178-4P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §178-4O, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of §178-4, O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling §178-4D(3) within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §178-4O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §178-4O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f), Tables 5-1, 5-2, and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this Chapter the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

**Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality,
and/or Stormwater Runoff Quantity**

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

Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

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

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §178-4(O)(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than 2%;
- (f) designed with a slope of equal to or greater than 2%;

- (g) manufactured treatment devices that meet the definition of green infrastructure at §178-2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at §178-4.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §178-6B. Alternative stormwater management measures may be used to satisfy the requirements at §178-4O only if the measures meet the definition of green infrastructure at §178-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §178-4O(2) are subject to the contributory drainage area limitation specified at §178-4O(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this Subsection that do not function in a similar manner to any BMP listed at §178-4O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §178-4D is granted from §178-4O.
- H. Whenever the stormwater management design includes 1 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 the following: 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. Trashracks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with 1-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 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of 1 inch and a maximum spacing between bars of 6 inches. In addition, the design of trash racks must comply with the requirements of §178-8C.
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §178-8.
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 and 1/2 inches in diameter.

- J. Manufactured treatment devices may be used to meet the requirements, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §178-2 may be used only under the circumstances described at §178-4O(4).
- K. Any application for a new agricultural development that meets the definition of major development at §178-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §178-4O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this Subsection, agricultural development means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than 1 drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §178-4P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Ocean County Clerk.
- (1) A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §178-4O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §178-10B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §178-4 and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Ocean 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 at §178-4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §178-4F and/or an alternative stormwater management measure approved in accordance with §178-

4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at §178-4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §178-4G.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §178-4D 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 §178-4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §178-4P, Q, and R.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this Subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this Subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this Subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §178-4P, Q, and R, unless the project is granted a waiver from strict compliance in accordance with §178-4D.

P. Groundwater Recharge Standards.

- (1) This Subsection contains the minimum design and performance standards for groundwater recharge as follows:
 - (a) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §178-5, either:
 - [1] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - [2] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - (2) This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to the following.
 - (a) The following types of stormwater shall not be recharged.
 - [1] Stormwater from areas of high pollutant loading.
 - [2] Industrial stormwater exposed to source material.

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 1/4 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:
 - (a) 80% 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.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
 - (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A-1.1, et seq., 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 2 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.

<p>Table 4 - Water Quality Design Storm Distribution</p>

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

- (5) If more than 1 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:

$$R = A + B - (A \times B) / 100, \text{ where}$$

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

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

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

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §178-4P, Q, and R.

- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.1, et seq., 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. 7:13-1.1, et seq.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j), 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% of the anticipated load from the developed site, expressed as an annual average.
- (10) This stormwater runoff quality standards do not apply to the construction of 1 individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This Subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §178-5, complete 1 of the following:
 - (a) 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.
 - (b) 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;
 - (c) 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%, 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
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (a), (b), and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the 3 will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§178-5 **Calculation of Stormwater Runoff and Groundwater Recharge.**

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

- (1) The design engineer shall calculate runoff using 1 of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15, and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 – Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in Appendix A-9 Modified Rational Method in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
 - (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term runoff coefficient applies to both the NRCS methodology above at §178-5A(1)(a) and the Rational and Modified Rational Methods at §178-5A(1)(b). 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 5 years without interruption prior to the time of application. If more than 1 land cover have existed on the site during the 5 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 New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from

the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§178-6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 - (2) Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.
- B. Submissions required for review by the Department should be mailed to the Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§178-7 Solids and Floatable Materials Control Standards.

- A. Site design features identified under §178-4F above, or alternative designs in accordance with §178-4G 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 §178-7A(2) below.
- (1) Design engineers shall use one of the following grates or curb openings whenever they use a grate or curb opening in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (a) 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
 - (b) A different grate, if each individual clear space in that grate has an area of no more than 7 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.
 - (c) 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 2 or more clear spaces, shall have an area of no more than 7 square inches, or be no greater than 2 inches across the smallest dimension.
 - (2) The standards in A(1) above do not apply to the following circumstances:
 - (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than 9 square inches;
 - (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - (c) 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 1 of the following:

- [1] A rectangular space 4 and 5/8ths (4.625) inches long and 1 and 1/2 (1.5) inches wide (this option does not apply for outfall netting facilities); or
- [2] 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).

- (d) Where flows are conveyed through a trash rack that has parallel bars with 1-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8-1.1, et seq.; or
- (e) 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.

§178-8 **Safety Standards for Stormwater Management Basins.**

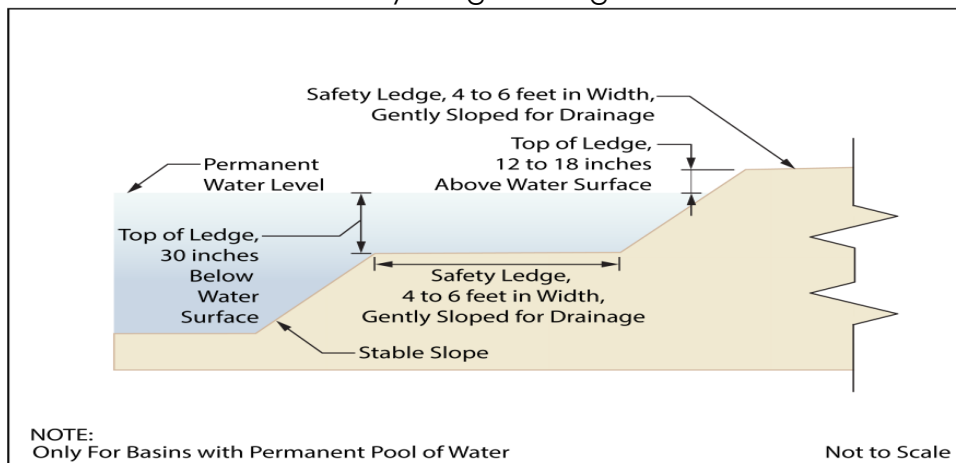
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet 1 or more of the safety standards in §178-8C 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:
 - (a) The trash rack shall have parallel bars, with no greater than 6-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) 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
 - (d) 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:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
 - (b) The overflow grate spacing shall be no less than 2 inches across the smallest dimension; and
 - (c) 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 each of the following escape provisions.
 - (a) 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 §178-8C, a free-standing outlet structure may be exempted from this requirement.

- (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 and 1/2 feet. Safety ledges shall be comprised of 2 steps. Each step shall be 4 to 6 feet in width. 1 step shall be located approximately 2 and 1/2 feet below the permanent water surface, and the second step shall be located 1 to 1 and 1/2 feet above the permanent water surface. See §178-8E for an illustration of safety ledges in a stormwater management BMP.
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 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



§178-9 Requirements for a Site Development Stormwater Plan.

- A. Submission of Site Development Stormwater Plan.
 - (1) Whenever an applicant seeks municipal approval of a development subject to this Chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §178-9C 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 Chapter.
 - (3) The applicant shall submit 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with §178-9C of this Chapter.
- 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 Chapter.
- C. Submission of Site Development Stormwater Plan. The following information shall be required:
 - (1) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made

- structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
- (2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
 - (3) Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
 - (4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §178-3 through §178-4 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:
 - (a) 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.
 - (b) 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.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §178-4.
 - (b) 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 §178-10.
 - (8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this Chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §178-9C(1) through §178-9C(6) 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.

§178-10 Maintenance and Repair.

- A. Applicability. Projects subject to review as in §178-1C shall comply with the requirements of §178-10B and §178-10C.
- B. General Maintenance

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable Chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the party responsible for maintenance identified under §178-10B(3) above is not a public agency, the maintenance plan and any future revisions based on §178-10B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under §178-10B(3) shall perform all of the following requirements:
 - (a) 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;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) 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 §178-10B(6) and B(7).
- (8) The requirements of §178-10B(3) and B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. Maintenance and inspection guidance can be found on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm
- (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 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.

§178-11 Illicit Connections.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

§178-12 Improper Disposal of Waste.

- A. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.
- B. Exceptions to prohibition include the following.
- (1) Waterline flushing and discharges from potable water sources.
 - (2) Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
 - (3) Air-conditioning condensate (excluding contact and noncontact cooling water).
 - (4) Irrigation water (including landscape and lawn watering runoff).
 - (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges, and diverted stream flows.
 - (6) Residential car washing water, and residential swimming pool discharges.
 - (7) Sidewalk, driveway and street wash water.
 - (8) Flows from fire-fighting activities.
 - (9) Flows from rinsing of the following equipment with clean water:
 - (a) Beach maintenance equipment immediately following their use for the intended purposes; and
 - (b) Equipment used in the application of salt and deicing materials immediately following salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

§178-13 Fees.

There are no fees associated with this Chapter, but reference is made to the following Chapters where fees may apply: Chapters 18 and 82.

§178-14 Waivers.

- A. A waiver from strict compliance with the requirements of §178-4F and §178-4G may be issued in those cases where an applicant has demonstrated the inability or impracticality of strict compliance, other than projects addressed under §178-3, with the stormwater management requirements set forth in N.J.A.C. 7:8-1.1, et seq., in an adopted regional stormwater management plan, or in a local ordinance which is as strict as N.J.A.C. 7:8-1.1, et seq. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's stormwater management plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical within the same HUC-14 watershed within which the subject project is proposed, or contribute funding toward a regional stormwater control project, or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on his specific site.

- B. Any project that is defined as minor development is exempt from strict compliance with this Chapter and does not need a waiver. However, minor development, which includes all residential construction on individual lots which requires a soil erosion permit, shall provide stormwater control as follows:
 - (1) Install leaders and gutters on all roof areas; and
 - (2) Install 1 linear foot of 12-inch perforated drainage pipe per 100 square foot of building coverage in a stone trench and connect same to the roof leaders as shown on Detail A, entitled Subsurface Infiltration System.

§178-15 Refuse Containers and Dumpsters.

- A. Covering of containers and dumpsters; prevention of leaks and discharges.
 - (1) Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
 - (2) Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge fluids, semi-fluids, or solids to the municipal separate storm sewer system.
- B. Exempt containers. The following refuse containers are exempt from the requirements hereinabove set forth in Subsection A:
 - (1) Permitted temporary demolition containers;
 - (2) Litter receptacles other than dumpsters or other bulk containers;
 - (3) Individual homeowner trash and recycling containers;
 - (4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; and
- C. Large bulky items such as furniture, bound carpet and padding, white goods, and the like, placed curbside for authorized bulk pickup are exempt from the requirements of this Subsection.

§178-16 Private Storm Drain Inlet Retrofitting.

- A. No person in control of private property, with the exception of a residential lot containing 1 single-family residence, shall authorize the repaving, repairing, resurfacing, reconstructing, or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet:
 - (1) Already meets the design standard set forth below in Subsection B to control passage of solid and floatable material; or
 - (2) Is retrofitted or replaced to meet the standard set forth below in Subsection B prior to the completion of the project.

The prohibited content set forth herein shall not apply to the repair of individual potholes. The term resurfacing shall include, inter alia, the top coating or chip resealing with asphalt emulsion or a thin base of hot bitumen.

- B. Design standards. Storm drain inlets as identified in Subsection A above shall comply with the following standards to control passage of solid and floatable materials through storm drain inlets.
 - (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface and direct it into a storm drain or surface water body under the grate:
 - (a) The New Jersey Department of Transportation (NJDOT) bicycle-safe grate which is described in Chapter 2 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than 7 square inches or is no greater than 0.5 inches across the smallest dimension. By way of illustration, 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.
 - (2) Whenever design engineers use a curb-opening inlet, all the clear spaces in that curb opening, whether there be 1 or more clear spaces, shall have an area of no more than seven square inches or be no greater than 2 inches across the smallest dimension.
 - (3) The design standards hereinabove set forth in paragraphs (1) and (2) shall

not apply to the following.

- (a) Where the Municipal Engineer agrees that this standard would cause inadequate hydrologic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.
- (b) Where flows are conveyed through any device such as the end of a pipe netting facility, manufactured treatment device or catch basin hood that is designed at a minimum to prevent delivery of all solid and floatable materials that could not pass through 1 of the following:
 - [1] A rectangular space 4 5/8 inches long and 1 1/2 inches wide. This option shall not apply for out fall netting facilities.
 - [2] A bar screen having a bar spacing of 0.5 inches.
- (c) Where flows are conveyed through a trash rack that has parallel bars with 1-inch spacing between the bars.
- (d) Where the New Jersey Department of Environmental Protection determines pursuant to the New Jersey Register of Historic Places Rules contained in 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.

§178-17 Enforcement.

This Chapter shall be enforced by the Code Enforcement Officer and by the Police Department.

§178-18 Violations and penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Chapter shall be subject to the general penalty provisions of Chapter 1, Art. III.

Attachments:

[Attachment 1- Detail A Diagram](#)

Passed on first reading at a regular meeting held on January 4, 2021 and advertised in the BEACH HAVEN TIMES issue of January 7, 2021.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-01C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 21-02C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IS HEREBY AMENDED BY THE REVISIONS TO CHAPTER 82, REFORMATTING AND REVISING CERTAIN REGULATIONS RELATING TO PROFESSIONAL ESCROW DEPOSITS FOR THE LAND USE BOARD

STATEMENT OF PURPOSE

The purpose of this Ordinance is to revise Chapter 82 in order to amend the required minimum land use board escrow deposits for professional fees.

SECTION I

§82-4B. is hereby repealed and replaced with the following.

B. Section 18-14 and -16, Charges and Minimum Professional Fee Escrow Deposits:

Subdivisions	Fee	Escrow (Initial Deposit)
Minor	\$625.00	\$1,000.00 Engineer \$425.00 Attorney
Major (Preliminary)	\$1,200.00, plus \$50 per lot	\$1,500.00 Engineer \$425.00 Attorney
Major (Final)	\$700.00	\$1,000.00 Engineer \$425.00 Attorney
Exceeding 4 Lots	Additional \$100.00 for each lot in excess of 4 lots	
Site Plans	Fee	Escrow (Initial Deposit)
Minor	\$700.00	\$1,000.00 Engineer

Major (Preliminary)	\$1,700.00	\$425.00 Attorney \$1,500.00 Engineer
Major (Final)	\$950.00	\$425.00 Attorney \$1,000.00 Engineer \$425.00 Attorney
Hotel/Motel Site Plans	Fee	
Development of Hotel/Motel	\$1,700.00	
Additional Fee Per Unit	\$25.00 per unit in addition to base fee	
Inspection Fee	Fee	
All Inspections	The greater of \$500.00 or 5% of the cost of the improvements determined by Township Engineer	
Variances*	Fee	Escrow (Initial Deposit)
Bulk	\$500.00 per application	\$500.00 Engineer \$500.00 Attorney
Special Reasons	\$500.00 per application	\$500.00 Engineer \$500.00 Attorney
Use	\$500.00 per application	\$500.00 Engineer \$500.00 Attorney
NOTE: all variance fees are in addition to subdivision and site plan fees.		
Other	Fee	Escrow (Initial Deposit)
Holdover Fees	\$500.00	
Flood Elevation Standard	\$500.00	\$425.00 Attorney
All Other Matters Not Listed	\$500.00	\$425.00 Attorney

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on January 4, 2021 and advertised in the BEACH HAVEN TIMES issue of January 7, 2021.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-02C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 21-03: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2021 (N.J.S.A. 40A: 4-45.14)

Motion to approve Ordinance 21-03 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 21-04C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 AND PERTAINING TO THE REGULATIONS OF SIGNS, IN CHAPTER 160 AND PERTAINING TO THE REGULATIONS OF SIGNS, AND IN CHAPTER 64 AND PERTAINING TO CONSTRUCTION REGULATIONS RELATING TO SIGNS

Motion to approve Ordinance 21-04C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

5. First Reading Ordinance 21-05: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 51, WHICH PERTAINS TO BEACHES

Motion to approve Ordinance 21-05C on First Reading:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

6. First Reading Ordinance 21-06C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 197, WHICH PERTAINS TO WATER AND SEWER REGULATIONS

Motion to approve Ordinance 21-06C on First Reading:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

Let the record reflect that the meeting was paused at 4:10pm for technical errors and resumed at 4:25pm.

Motion to break for technological issues:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

7. First Reading Ordinance 21-07C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 168, WHICH PERTAINS TO SOLID WASTE, AND CHAPTER 205, WHICH PERTAINS TO TRASH BINS

Motion to approve Ordinance 21-07C on First Reading:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

8. First Reading Ordinance 21-08C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 WHICH PERTAINS TO ZONING

Motion to approve Ordinance 21-07C on First Reading:
Motion: Lattanzi Ayes: Lattanzi and Bayard; Mancini abstained
Second: Bayard Nays:

ADOPTIONS & APPROVALS

9. Resolution 21-0201.01: Approve the Revising of Township Policy 4.11 Benefits and Retirement

RESOLUTION 21-0201.01

WHEREAS, on December 17, 2018, the Township of Long Beach ("Township") adopted Resolution 18-1217.05(b) which provides for retiree medical benefits pursuant to Chapter 48, P.L. 1999, and;

WHEREAS, the Addendum to Resolution 18-1217.05(b) provides that Medicare reimbursement shall be determined by contract of policy, and;

WHEREAS, on October 3, 2016, the Township adopted Ordinance No.16-42 upon final reading which created the Township's Employee Handbook establishing, among other things, the Township's Medical, Prescription, Dental & Eye Glass Benefits Policy (Policy No. 4.9) and applied that policy to eligible retirees who receive benefits in retirement (Policy No. 4.11), and;

WHEREAS, The Township seeks to limit its fiscal responsibilities for retiree benefits by discontinuing Township reimbursement to retirees of Medicare costs, charges or assessments;

NOW, THEREFORE BE IT ADOPTED by the Board of Commissioners of the Township of Long Beach:

(a) Policy No. 4.11 is revised as reflected within the attached document. The intent is to continue to require all eligible retirees to transition to Medicare once eligible and for the retiree to assume all liability for Medicare.

(b) Policy No. 4.11 is also revised to reflect that the Township may change the Plan through which it provides retiree benefits.

(c) The Township Business Administrator shall distribute the revised policies to employees.

This resolution shall take effect immediately.

10. Resolution 21-0201.02: Adopt the Long Beach Township Emergency Operating Plan

RESOLUTION 21-0201.02

WHEREAS, the State of New Jersey requires that each municipality have in place an Emergency Operating Plan; and

WHEREAS, pursuant to Resolution 19-0304.02, the Board of Commissioners adopted a revised plan that the Municipal Emergency Management Coordinator for the Township of Long Beach has reviewed, updated, and revised, in accordance with the State of New Jersey Office of Emergency Management Plan Review Schedule for 2016; and

WHEREAS, that plan was effective January 1, 2016 through December 31, 2019 and pursuant to Resolution 20-0302.03 the Board of Commissioners extended said plan for an additional year effective January 1, 2020 through December 31, 2020; and

WHEREAS, the State of New Jersey reviewed the Emergency Operations Plan submitted by the Municipal Emergency Management Coordinator for the Township of Long Beach and determined that it met the criteria for approval effective through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, as follows:

Certified copies of this resolution shall be distributed to the Municipal Emergency Management Coordinator, County of Ocean Office of Emergency Management, State of New Jersey Office of Emergency Management, and any other authorized parties.

11. Resolution 21-0201.03: Approve the 2021 IRS Standard Mileage Reimbursement Rate: \$0.56 cents per mile

RESOLUTION 21-0201.03

WHEREAS, it has been past practice and policy for Long Beach Township to reimburse its eligible employees for gasoline mileage when circumstances warrant such reimbursement; and

WHEREAS, the current rate set by Federal Government regulations is \$0.56 cents per mile, which is accepted by various federal government agencies including, but not limited to, the Internal Revenue Service.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Long Beach Township mileage reimbursement rate is hereby set at \$0.56 cents per mile, effective January 1, 2021, as per IRS Notice 2020-279.

12. Resolution 21-0201.04: Approve Various Personnel Matters

RESOLUTION 21-0201.04

Approve the carryover of Vacation hours from the year 2020 to 2021 for the following employees due to duties that prevented them from using said days before their normal expiration date.

Robert Pinto 45 hours
Christopher Connors 142.5 hours
Lydia D'Amore 7 hours
Susan Levance 47.63 hours
Dustin Martin 45.5 hours
Brian Golla 73.25 hours

Beach Patrol

Hire the following employee as Seasonal Part Time Laborer at the rate of \$ 12.00 per hour to be paid from Lifeguard Salary & Wage retro-active to January 4, 2021.

Ramo Kline
Taylor Teliszewski

Police

Adjust the following employee's annual base salaries to be paid from Police Salary & Wage effective retro-active January 9, 2021.

Christine Eberle	\$57,743.99
Mary Wickert	\$52,608.81
Linda Laviola	\$49,338.03
Daniel Sodano	\$42,873.89
Annamarie Scherzer	\$41,116.06
Jessica Vanpelt	\$41,116.06
Lindsay Robbins	\$38,923.32
Brianna Maglio	\$38,923.32
Megan Foster	\$35,650.00
Melissa Switzer	\$35,650.00

Deborah Bonicky \$59,377.32
Nicole Andreotta \$38,000.00

Municipal Clerk

Adjust the following employee's annual base salary to \$41,871.00 to be paid from Municipal Clerk Salary & Wage effective February 1, 2021.
Scott Lawrence

Public Works

Approve an annual stipend of \$2,400.00 for the year of 2021 for the following non-contractual employee for holding a Commercial Drivers License A as per Board of Commissioner's decision that it is considered job related.
Drew Horvat

Water/Sewer

Change the following employee's annual base salary to \$53,995.00 to be paid from Water/Sewer Salary & Wage effective February 1, 2021.
Timothy Kearney

Miscellaneous

Approve the addition of the following employee as the OEM Recording Secretary to Emergency Management with the following annual stipend for 2021:
Deborah Bonicky \$1750.00
Adjust the following employee's Safety Management stipend to \$5,000.00 effective February 1, 2021.
Joan Kearney

Motion to approve Items 9-12:
Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

LICENSES & PERMITS

- 13.** Resolution 21-0201.05(a-e): Approve Various Fees for 2021:
- a. Bayview Park Recreational Vendor license
 - b. Mobile Ice Cream Vendor license
 - c. Off-season Rates for Municipal Transportation Vehicles
 - d. Renewing Bayview Park Trailer Concession lease and setting Health Department inspection fee
 - e. Bayview Park Recreational Apparatus Rental Racks

RESOLUTION 21-0201.05(a)

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach hereby fixes, pursuant to Ordinance 16-06C, Chapter 194-2.A of the Code of Long Beach Township, the 2021 Recreational Vendor License fee at \$2,000.00 per vendor effective through December 31, 2021.

RESOLUTION 21-0201.05(b)

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach hereby fixes, pursuant to Ordinance 04-07C, and Chapter 195-3.F(1) of the Code of Long Beach Township, the 2021 Motorized Ice Cream Vendor License fee at \$5,000.00 per vendor effective through December 31, 2021.

RESOLUTION 21-0201.05(c)

WHEREAS, pursuant to and in accordance with state law, the Township of Long Beach created and implemented a Municipal Transportation System ("LBI Shuttle") by and through the adoption of Ordinance 14-07C; and

WHEREAS, pursuant to Ordinance 14-07C and Chapter 111-3.A, and in accordance with state law, the Township of Long Beach has elected to contract with third parties for their destination and fee-based use of the shuttle buses that comprise the LBI Shuttle during the off-season from Labor Day to Memorial Day ("Off-Season Shuttle"); and

WHEREAS, the Township of Long Beach finds and declares that the Off-Season Shuttle shall provide additional support to the LBI Shuttle and shall support the public health, welfare, and safety, as well as provide additional economic benefits to the businesses, citizens, and visitors of the Township of Long Beach and the region of Long Beach Island as a whole; and

WHEREAS, the Board of Commissioners sets the fee for the Off-Season Shuttle as follows:

- (1) 14 Passenger Bus: 2-hour minimum \$350.00

Each Additional hour	\$75.00
(2) 24 Passenger Bus: 2-hour minimum	\$500.00
Each Additional hour	\$75.00

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby authorizes the above-listed fees for 2021.

RESOLUTION 21-0201.05(d)

WHEREAS, the Board of Commissioners of the Township of Long Beach hereby exercises the lease provision to renew Food Concession Services, pursuant to the terms of the Trailer Concession Lease executed no later than May 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED, the Trailer Concession Lease fee shall be set at \$3,000.00 effective through December 31, 2021; and

BE IT FURTHER RESOLVED, the Board of Health Inspection fee shall be fixed at \$50.00 effective through December 31, 2021.

RESOLUTION 21-0201.05(e)

WHEREAS, pursuant to Chapter 194-6.A, the recreational equipment storage racks located at Bayview Park may be rented by the Township to the public between May 1st through October 1st at a rental rate set annually by resolution of the Board of Commissioners; and

WHEREAS, the Board of Commissioners wishes to set the fee for the seasonal rental of recreational equipment storage racks for 2021 at \$200; and

WHEREAS, any recreational equipment stored in Bayview Park racks that has not been removed prior to October 11th shall be deemed abandoned and offered for public auction pursuant to N.J.S.A.40A:157(a).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby authorizes the beforementioned fees and regulations effective through December 31, 2021.

Motion to approve Item 13:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

PURCHASES, CONTRACTS & AWARDS

- 14.** Resolution 21-0201.06(a-e): Authorize Various Shared Service Agreements with the County of Ocean:
- (a) Various Services Under "Schedule C"
 - (b) "Move Over" Law Enforcement Program
 - (c) Animal Facility Services
 - (d) Child Restraint Grant Program
 - (e) Prosecutor's Program, aka Fatal Accident Support Team (FAST)

RESOLUTION 21-0201.06(a)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes the Township of Long Beach to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. requires such contracts be authorized by resolution of the Governing Body; and

WHEREAS, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal streets and property in addition to providing certain materials and supplies in connection therewith; and

WHEREAS, the Governing Body of the Township of Long Beach has requested the County to provide certain various services on certain municipal streets and property within the municipality at a cost not to exceed \$375,000.00; and

WHEREAS, the Township of Long Beach wishes to enter into an agreement with the County of Ocean for the provision of services, materials, and equipment as set forth in Schedule "C" attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Long Beach in the County of Ocean, State of New Jersey, as follows:

1. The Commissioner of Public Works and Clerk of the Township of Long Beach are hereby authorized and directed to enter into and execute a "Schedule C" Agreement with the County of Ocean in accordance with the provisions of the law to include \$350,000.00 for the Road Department and \$25,000.00 for the Engineering Department for various engineering services for traffic signals and sign installations.

2. A copy of this Agreement shall be kept on file and be available for public inspection at the Office of the Township Clerk.
3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2021. Sufficient funds have been appropriated in the 2021 Temporary Municipal Budget and are subject to amendment at such time the 2021 Municipal Budget is adopted. Appropriated funds will be available for this purpose in the municipal budget under Schedule "C" Other Expenses.
4. A certified copy of this resolution shall be forwarded to:
 - Clerk of the Ocean County Board of Chosen Freeholders
 - Ocean County Engineering Department
 - Ocean County Department of Finance

RESOLUTION 21-0201.06(b)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach wishes to enter into an agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Township to the Move Over Law Enforcement Program (M.O.L.E.P.); and

WHEREAS, the Move Over Law Enforcement Program is a traffic safety program run by the Ocean County Prosecutors Office utilizing a Law Enforcement Expert to assist with identifying, educating, and removing reckless drivers from the roadways; and

WHEREAS, funds for these services are received from the State of New Jersey and County of Ocean.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the Ocean County Move Over Law Enforcement Program Shared Services Agreement effective October 1, 2020 through September 30, 2021 with compensation to the Township set at the rate of Sixty Dollars (\$60.00) per hour per officer.

BE IT FURTHER RESOLVED, certified copies of this Resolution shall be forwarded to the Ocean County Office of the Prosecutor and Department of Finance.

RESOLUTION 21-0201.06(c)

WHEREAS, the Shared Services Act, N.J.S.A. 40:65A et seq., authorizes two or more local units to enter into joint agreements for the provision of governmental services.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Mayor and the Municipal Clerk be and they are hereby authorized and directed to execute a renewal agreement with the Ocean County Board of Health for Animal Facility Services for the year 2021.

RESOLUTION 21-0201.06(d)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach wishes to enter into an agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of a Nationally Certified Child Passenger Safety Technician employed by the Township to the Ocean County Sheriff's Office Child Restraint Group; and

WHEREAS, the Child Restraint Group is a program run by the Ocean County Sheriff's Office for the purpose of inspecting and installing child restraints in vehicles; and

WHEREAS, funds for these services are received from the State of New Jersey and the County of Ocean.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the FY21 Child Passenger Safety Grant Shared Services Agreement effective retroactive from October 1, 2020 through September 30, 2021 with compensation to the Township set at the rate of Fifty-Five (\$55.00) per hour per CPS Technician.

BE IT FURTHER RESOLVED, certified copies of this Resolution shall be forwarded to the Ocean County Sheriff's Office.

RESOLUTION 21-0201.06(e)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of

governmental services; and

WHEREAS, the Township of Long Beach desires to continue to participate in the County of Ocean Police Services Prosecutor’s Program also known as the Fatal Accident Support Team (F.A.S.T.); and

WHEREAS, there is a need for Traffic Safety Officers to attend accidents when a fatality has occurred; and

WHEREAS, these Traffic Safety Officers are available through the municipalities within the County of Ocean; and

WHEREAS, funds for the Prosecutor’s Program are available in the Ocean County 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the Prosecutor’s Program Shared Services Agreement effective January 1, 2021 through December 31, 2021 with compensation to the Township set at the rate of fifty-five dollars (\$55.00) per hour per officer.

BE IT FURTHER RESOLVED, certified copies of this Resolution shall be forwarded to the Ocean County Office of the Prosecutor and Department of Finance.

Motion to approve Item 14:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

15. Resolution 21-0201.07: Approve Various Appropriation Transfers

RESOLUTION 21-0201.07

WHEREAS, the New Jersey statutes provide for the making of reserve appropriation transfers between the period of January 1, 2021 and March 31, 2021; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make Appropriation Transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Mun Clerk- Miscellaneous	O&E	0-01-20-120-020	\$ 1,500.00
Group Insurance- Employees	O&E	0-01-23-220-000	\$35,000.00
TOTAL			\$36 ,500.00
TO:	DEPT:	ACCT#	AMOUNT
Mun Clerk- Upgrade Gen Codes	O&E	0-01-20-120-105	\$1,500.00
Street Lighting	O&E	0-01-31-435-000	\$35,000.00
TOTAL			\$36,500.00

16. Resolution 21-0201.08: Approve Various Changes to Water/Sewer Accounts

RESOLUTION 21-0201.08

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

WHEREAS, it is requested by the Director of Revenue and Finance that these changes be made as follows:

BLOCK	LOT/QUAL	ACCT #/ACCT	YEAR	CANCEL/CHANGE	AMOUNT
4.18	7	999-0	2020	Returned Meter	\$92.00
4.41	5.01	8499-0	2021	Billed in error	\$2102.30

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Municipal Clerk be, and she is, hereby authorized to make these changes.

17. Resolution 21-0201.09: Authorizing the Issuance and Sale of up to \$11,631,000 of General Obligation Bonds

RESOLUTION 21-0201.09

BACKGROUND

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Township Committee of the Township of Long Beach, County of Ocean, New Jersey ("Township"), has, pursuant to bond ordinances 15-51, 16-21, 16-22, 16-23, 16-24, 17-13, 17-14, 17-25, 18-15, 18-18, 18-24, 18-27, 18-44, 19-06, 19-07, 19-08, 19-20, 20-05, 20-08 and 20-19, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of certain capital improvements, as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on December 11, 2020, the Township issued its Bond Anticipation Notes of 2020, Series A, in the principal amount of \$4,200,000 ("Prior Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinance 17-25 ("Prior Improvements"); and

WHEREAS, the Prior Notes mature on February 26, 2021; and

WHEREAS, the Township has not yet issued any obligations to finance the costs of the improvements authorized by bond ordinances 15-51, 16-21, 16-22, 16-23, 16-24, 17-13, 17-14, 18-15, 18-18, 18-24, 18-27, 18-44, 19-06, 19-07, 19-08, 19-20, 20-05, 20-08 and 20-19 (collectively, the "New Improvements"); and

WHEREAS, it is the desire of the Township to issue its general obligation bonds in the aggregate principal amount of up to \$11,631,000 ("Bonds"), as further described in Exhibit "A", the proceeds of which will be used to: (i) permanently finance the costs of the New Improvements, for which obligations have been authorized, but not issued; (ii) repay a portion of the principal of the Prior Notes at maturity; and (iii) pay certain costs and expenses incidental to the issuance and delivery of the Bonds (collectively, the "Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Township Committee hereby to authorize, approve and direct the issuance and sale of such Bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of the Bonds of the Township, to be designated substantially, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2021", in an aggregate principal amount of up to \$11,631,000 to finance the Project, is hereby authorized and approved. The Bonds consist of: (i) \$3,768,000 General Improvement Bonds; and (ii) \$7,863,000 Water and Sewer Utility Bonds.

Section 2. The Bonds shall be dated their date of issuance and shall mature on February 15 in the years and amounts set forth below:

<u>Maturity Date</u>	<u>General Improvement Bond</u>	<u>Water and Sewer Utility Bond</u>	<u>Total Principal Amount</u>
2022	\$153,000	\$213,000	\$366,000
2023	160,000	325,000	485,000
2024	160,000	360,000	520,000
2025	165,000	365,000	530,000
2026	170,000	375,000	545,000
2027	170,000	380,000	550,000
2028	175,000	390,000	565,000
2029	180,000	395,000	575,000
2030	180,000	405,000	585,000
2031	185,000	410,000	595,000
2032	190,000	420,000	610,000
2033	195,000	425,000	620,000
2034	195,000	425,000	620,000
2035	200,000	425,000	625,000
2036	205,000	425,000	630,000
2037	210,000	425,000	635,000
2038	215,000	425,000	640,000
2039	215,000	425,000	640,000

2040	220,000	425,000	645,000
2041	225,000	425,000	650,000

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable semiannually on February 15 and August 15, commencing August 15, 2021, in each year until maturity or earlier redemption.

The Chief Financial Officer is hereby authorized to adjust the maturity schedule of the Bonds set forth in the maturity schedules above in accordance with the Local Bond Law and specifically N.J.S.A. 40A:2-26(g).

Section 3. The Bonds maturing on and after February 15, 2029 shall be subject to redemption prior to their stated maturity dates at the option of the Township, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the Township shall determine and within any such maturity by lot) on any date on and after February 15, 2028, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the redemption date.

Notwithstanding the foregoing, the Chief Financial Officer of the Township is hereby authorized to determine whether the Bonds shall be subject to redemption and/or to revise the dates upon which the Bonds shall be subject to redemption, all in accordance with the Local Bond Law

Section 4. Notice of redemption for the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Township. So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

Section 5. The Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided, the Township shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 6. The Bonds will be issued in fully registered book entry only form. One certificate shall be issued for each of the Bonds in the aggregate principal amount of the Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or integral multiples thereof, and in integral multiples of \$1,000 in excess thereof, or in such amount necessary to issue the principal amount of the Bonds, through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the first (1st) day of the month containing an interest payment date. The Bonds will be executed on behalf of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Township Clerk or the Deputy Township Clerk, and shall bear the affixed, imprinted or reproduced seal of the Township thereon.

Section 7. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof, and in integral multiples of \$1,000 above the minimum of \$5,000 or in such amount necessary to issue the principal amount of the Bonds ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 10. The appointment of McElwee & Quinn, LLC, as printer ("Printer"), to provide electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined) is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer of the Township is hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

Section 11. The Chief Financial Officer is hereby authorized to solicit proposals for, and, if deemed beneficial, engage the services of, a qualified institution to serve as paying agent ("Paying Agent") for the Bonds if the Chief Financial Officer deems such services beneficial. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute and deliver an agreement with the Paying Agent if it is deemed beneficial.

Section 12. Pursuant to the Local Bond Law, the Chief Financial Officer ("Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Township Committee after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Township Committee the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 13. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the Township in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 14. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer and Township Clerk shall constitute conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Township Clerk

are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 15. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute on behalf of the Township before the issuance of the Bonds an agreement with Phoenix Advisors, LLC, as dissemination agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 16. The Township hereby covenants that it will not make any use of the proceeds of any Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 17. The Township hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code with respect to the Bonds; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 18. To the extent not otherwise exempt, the Township hereby covenants that, with respect to any Bonds, it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 19. Application to S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the Township and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 20. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 21. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 22. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 23. This resolution shall take effect immediately upon adoption this 1st day of February, 2021.

18. Resolution 21-0201.10: Release of a Performance Bond:
LUB-49-15, Demato/Franks, \$1320.00

RESOLUTION 21-0201.10

WHEREAS, pursuant to Resolution 16-1109.11, the Township of Long Beach accepted from Donald Demato, Official Check #52949286-0 drawn on TD Bank, dated October 20, 2016 in the amount of Eight Thousand One Hundred Forty Dollars (\$8,140.00); as the required Performance Bond for Minor Sub-division #LUB-49-15, Block 8.03, Lots 2 & 3 (49 & 21 W. Ohio Ave., Beach Haven Terrace); and

WHEREAS, upon inspection by the Municipal Engineer on July 12, 2017, it has been determined that a portion of the project was complete, and the release of a portion of the performance bond was approved per Resolution 17-0911.06(b); and

WHEREAS, pursuant to Resolutions 19-0204.16(g) and 20-1102.10(c), the property was inspected by the Municipal Engineer who concluded that the work was still not complete and recommended the performance bond be extended for one additional year each; and

WHEREAS, upon inspection by the Municipal Engineer on December 10, 2020, it was determined that the work was complete and recommended the performance bond be released in full.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby approves the final release of the Performance Bond in

the amount of One Thousand Three Hundred Twenty Dollars (\$1,320.00), as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

19. Resolution 21-0201.11: Approve Bills and Payroll:
Bills in the amount of: \$15,620,379.08
Payroll in the amount of: \$943,398.65

RESOLUTION 21-0201.11

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$943,398.65.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$15,620,379.08 be and the same are hereby authorized to be paid on Monday, February 1, 2021.
2. The said approved payroll amounting to the sum of \$943,398.665 be and the same are hereby authorized to be paid on Monday, February 1, 2021.

The Municipal Clerk be, and is hereby, directed to list on the page in the Minute Book following the Minutes of this meeting all of the said vouchers hereby authorized to be paid.

Motion to approve Items 15-19:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Had comments regarding the vaccine availability and information regarding registering with our Long Beach Island Health Department on their website to schedule vaccine appointments.

Commissioner Bayard: Indicated that the 2021 calendars have all been mailed out and that the water/sewer bills would be going out using the old billing system.

COMMUNITY DEVELOPMENT BLOCK GRANT HEARING REGARDING THE TOWNSHIP OF LONG BEACH PROJECT AND GRANT APPLICATION

"This is the time for the public hearing in regard to proposed applications to be submitted for funding consideration through the 2021 Ocean County Community Development Block Grant. Legal Notice of this public hearing was published on January 14th in the Beach Haven Times."

Mayor Mancini asks for a

Motion to open public hearing:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

Commissioner Bayard presents the Township Project: Renovation of two (2) handicapped lifts located on East 95th Street and East 103rd Street. The total amount requested by the Township is \$40,000.00.

PUBLIC HEARING

Ann Barkey, Loveladies: Asked for clarification as to what the project was for.

Mayor Mancini explained it was for two handicap lifts and how the Township tries to replace two lifts every two years.

Mayor Mancini asks for a

Motion to close public hearing:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

20. Resolution 20-0201.12: Approve submission of the 2021 Community Development Block Grant for Long Beach Township
RESOLUTION 21-0201.12

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the 2021 application of the Township of Long Beach to the Ocean County Community Development Block Grant Program in the amount of \$40,000.00 for the renovation of two (2) handicapped lifts located on East 105th Street and East 93rd Street is hereby approved for submission by the Board of Commissioners.

Motion to approve Item 20:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, February 10th, 2021 at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinance(s) 21-03 through 21-08C will take place at the public meeting held on Monday, March 1, 2021 at 4:00 pm.

Had comments regarding the trash cans at street ends being removed due to people placing household trash within the receptacles and reminded residents that dog waste must be picked up.

OPEN PUBLIC SESSION

Ann Barkey, Loveladies: requested clarification on Ordinance 21-05C.

Mayor Mancini, explained the ordinance references setbacks for ocean front decks.

Rand Pearsall, Holgate: had questions and comments regarding the hospital/Covid-19 updates, planning process of Clam Cove Reserve and reports of coyote sightings in Holgate.

Mayor Mancini addressed the coyote statements by informing residents to keep pets on a leash and do not leave food out for stray cats.

Commissioner Lattanzi gave a brief update on the hospital by stating that there were about 30 cases currently, there was a rush after Christmas that had since began to dissipate.

Bill Hutson, Holgate: commended the Commissioners on what a great job they have been doing.

CLOSE PUBLIC SESSION

Motion for adjournment at:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Danielle La Valle, RMC
Municipal Clerk

Joseph H. Mancini
Mayor

Ralph H. Bayard
Commissioner

Dr. Joseph P. Lattanzi
Commissioner