

* AMENDED 11/26

BOROUGH OF KEYPORT

MEETING AGENDA

TUESDAY, NOVEMBER 26, 2024 7:00 PM

MUNICIPAL COMPLEX COUNCIL CHAMBERS

70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: __ Councilmember Brady __ Councilmember Gross __ Councilmember McNamara
__ Councilmember Peperoni __ Councilmember Reilly __ Council President Vecchio
__ Mayor Araneo

As a courtesy to those around you, please silence your cell phones

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

Certificate of Recognition – Nancy Jones

RESOLUTION #2024-339

Authorizing Participation in the Civil Service Examination Exemption Program for Entry-Level Law Enforcement Positions and the Appointment of a Police Officer – *Zackery Connallon*

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

* **RESOLUTION #2024-340**

Authorizing Participation in the Civil Service Examination Exemption Program for Entry-Level Law Enforcement Positions and the Appointment of a Police Officer – *Aaron Erven*

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

RESOLUTION #2024-341

Authorizing Participation in the Civil Service Examination Exemption Program for Entry-Level Law Enforcement Positions and the Appointment of a Police Officer – *Kevin Kerrigan*

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

OATHS OF OFFICE

Administered by Mayor Araneo

- ❖ Zackery Connallon
- ❖ Aaron Erven
- ❖ Kevin Kerrigan

COMMITTEE REPORTS

(Councilmember is lead or co-lead liaison of Committees in bold)

Councilmember Brady: Environmental, Recreation/Senior Center, Fire/First Aid/OEM, Municipal Alliance, Green Team

Councilmember Gross: KBBC, Public Works/Water-Sewer, Recreation/Senior Center, Redevelopment

Councilmember McNamara: Finance/Grants, Cannabis, Green Team, Police, NPP

Councilmember Peperoni: Planning Board, Recycling, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Redevelopment, Harbor Commission,

Councilmember Reilly: Fire/First Aid/OEM, Police, Municipal Alliance, Finance/Grants, Cannabis

Council President Vecchio: Harbor Commission, NPP, Public Works/Water-Sewer

Mayor Araneo: Library, Planning Board, KBBC, Green Team, Cultural/Civic, Mayors Wellness Campaign

PUBLIC COMMENTS

The Meeting is opened to the public for comments on **agenda items only**.

Opened: MM: 2ND: Closed: MM: 2ND:

CONSENT AGENDA

(All resolutions listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.)

- R2024-342 Payment of Bills Listed on the October 18, 2024 Bills List
- R2024-343 Payment of Bills Listed on the November 1, 2024 Bills List
- R2024-344 Payment of Bills Listed on the November 15, 2024 Bills List
- R2024-345 Payment of Bills Listed on the November 26, 2024 Bills List
- R2024-346 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87
Office on Aging – Title IIIB
- R2024-347 Permitting the Transfer of Excess Appropriations Pursuant to N.J.S.A. 40A:4-58
- R2024-348 Authorizing Reimbursement for Sewer Lateral Inspection Costs for Property Located
at 89 Perry Street
- R2024-349 Authorizing the Return of One-Half of the Posted Cash Repair Deposit for Road
Opening Permit at 75 Division Street
- R2024-350 Authorizing the Reduction of the Performance Guarantee for 174 Church Street
- R2024-351 Authorizing the Return of Unused Planning Board Escrow Funds for 310 First Street
- R2024-352 Authorizing a Water/Sewer Bill Adjustment for 222 Broadway Due to a Water Leak
- R2024-353 Authorizing Refund of Water/Sewer Overpayment for 183 Broad Street
- R2024-354 Requesting a Waiver of the Moratorium on Street Openings to Allow Installation of
Natural Gas Service at 23 Manchester Avenue
- R2024-355 Authorizing Advertisement for Request for Proposals for Professional Services for the
Borough of Keyport for the 2025 Calendar Year
- R2024-356 Authorizing "Window" Contracts

- R2024-357 Authorizing the Award of a Contract for Improvements to Cedar Street Park
- R2024-358 Authorizing the Submission of a Joint Grant Application for Clark Street Improvements by the Borough of Keyport and Township of Hazlet
- * R2024-359 Approval to Submit a Grant Application and Execute a Grant Contract with the State of New Jersey Department of Law and Public Safety for the SFY2025 Safe and Secure Communities Grant Program
- R2024-360 Approval to Submit a Grant Extension Request to the New Jersey Department of Transportation (NJDOT) for the Improvements to Second Street – Phase I Project
- R2024-361 Authorizing Execution of Monmouth County Special Citizens Area Transportation (SCAT) 2025 Agreement
- R2024-362 Amending Resolution #2024-333 to Identify the Local Plan Administrator by Title Only
- R2024-363 Authorizing the Donation of 1990 Pierce Fire Truck to the New Jersey Fire Museum and Fallen Firefighters Memorial
- R2024-364 Approving New Jersey State Firemen’s Association Application for Membership
- R2024-365 Authorizing Appointments of Special Law Enforcement Officers
- R2024-366 Authorizing Appointment of Part-Time Building Maintenance Worker in the Department of Public Works
- * R2024-367 Pulled
- R2024-368 Authorizing Salary Increase for Tax Assessor
- R2024-369 Authorizing Stipend Increase for Secretary to the Combined Land Use Board
- R2024-370 Authorizing Approval of Amendments to the Bylaws of Keyport BID, Inc.
- R2024-371 Approving Changes to Keyport Bayfront Business Cooperative Events
- R2024-372 Approving the Issuance of a Social Affair Permit for Keyport Matawan Elks BPOE 2030
- * R2024-373 Pulled
- * R2024-374 Authorizing Payment to Purchase Pension Service Credit for Borough Employee

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. **Ordinance No. 2024-12 – Amending certain sections of Chapter 24 of the Borough Code to conform to stormwater management rules established by the New Jersey Department of Environmental Protection.**

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER XXIV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT GOVERNING THE BOROUGH’S STORMWATER MANAGEMENT AND CONTROL**

- 1a. Motion to Open Public Hearing MM: 2nd:
- 1b. Motion to Close Public Hearing MM: 2nd:

1c. Motion to adopt Ordinance

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

1d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2nd

2. Ordinance No. 2024-15 – Amending certain sections of Chapter 3. Public Safety, Article 2. Fire Department, of the Borough Code as it pertains to the Fire Department in the Borough of Keyport.

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH COUNCIL, OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER III (PUBLIC SAFETY), ARTICLE II (FIRE DEPARTMENT), SECTIONS 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2**

2a. Motion to Open Public Hearing MM: 2nd:

2b. Motion to Close Public Hearing MM: 2nd:

2c. Motion to adopt Ordinance

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

2d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2nd

APPROVAL OF MINUTES

May 21, 2024 Regular Meeting

June 17, 2024 Special Meeting

June 25, 2024 Regular Meeting

MM: 2nd: Ayes: Nays:

REPORTS

1. Municipal Clerk's Report for October 2024
2. Tax/Water/Sewer Collector's Report for October 2024
3. Board of Health Treasurer's Report for October 2024
4. Building Department Report for October 2024
5. Municipal Court Report for October 2024

MM: 2nd: Ayes: Nays:

PUBLIC COMMENTS

The Meeting is opened to the public for comments.

Please limit comments to no more than five minutes per person.

Opened: MM: 2ND: Closed: MM: 2ND:

EXECUTIVE SESSION

R2024-375 Authorizing a meeting not open to the Public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12b, to discuss pursuant to N.J.S.A. 10:4-12b(4)

attorney-client privileged matters related to contract negotiations, and pursuant to N.J.S.A. 10:4-12b(8) personnel matters.

MM: 2nd: Ayes: Nays:

ADJOURNMENT

Motion to Adjourn MM: 2nd:

RESOLUTION #2024-**AUTHORIZING PARTICIPATION IN THE CIVIL SERVICE EXAMINATION
EXEMPTION PROGRAM FOR ENTRY-LEVEL LAW ENFORCEMENT
POSITIONS AND THE APPOINTMENT OF A POLICE OFFICER***Zackery Connallon*

WHEREAS, the Borough of Keyport ("Borough") is governed by N.J.S.A. 11A:1-1 et seq., the Civil Service Act, and the rules and regulations established pursuant to this act; and

WHEREAS, P.L.2021, c.7 provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry-level law enforcement position provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer; and

WHEREAS, P.L. 2021, c.7 also provides that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of a resolution by the governing body authorizing such hiring and the adoption of a conflict of interest and nepotism policies; and

WHEREAS, the Borough has previously established a conflict of interest policy (Section 1.14) and a nepotism policy (Section 5.02A) as provided in the Borough's Personnel Policies & Procedures Manual; and

WHEREAS, the Chief of Police has recommended the Borough affirmatively "opt in" and authorize such hiring to provide for the selection of a qualified individual who has completed the necessary training required by the New Jersey Police Training Commission; and

WHEREAS, the Chief of Police has further recommended the appointment of Zackery Connallon as a Police Officer pursuant to this exemption.

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

1. The Borough of Keyport is hereby authorized to participate in the program to hire persons exempt from the Civil Service examination process for entry-level law enforcement positions provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer.
2. Zackery Connallon is hereby appointed to the position of Police Officer for a probationary period of one year effective November 26, 2024. Zackery Connallon will complete the training course approved by the New Jersey Police Training Commission in December 2024. The Borough Administrator and Chief of Police are authorized to execute all documents necessary to effectuate participation in this Civil Service exemption program and the appointment of Police Officer Zackery Connallon.

3. The Borough Clerk is directed to transmit a certified copy of this resolution to the Borough Administrator, Chief of Police and the New Jersey Civil Service Commission.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

224-340
AMENDED 11/26

RESOLUTION #2024-

**AUTHORIZING PARTICIPATION IN THE CIVIL SERVICE EXAMINATION
EXEMPTION PROGRAM FOR ENTRY-LEVEL LAW ENFORCEMENT
POSITIONS AND THE APPOINTMENT OF A POLICE OFFICER**

Aaron Erven

WHEREAS, the Borough of Keyport ("Borough") is governed by N.J.S.A. 11A:1-1 et seq., the Civil Service Act, and the rules and regulations established pursuant to this act; and

WHEREAS, P.L.2021, c.7 provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry-level law enforcement position provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer; and

WHEREAS, P.L. 2021, c.7 also provides that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of a resolution by the governing body authorizing such hiring and the adoption of a conflict of interest and nepotism policies; and

WHEREAS, the Borough has previously established a conflict of interest policy (Section 1.14) and a nepotism policy (Section 5.02A) as provided in the Borough's Personnel Policies & Procedures Manual; and

WHEREAS, the Chief of Police has recommended the Borough affirmatively "opt in" and authorize such hiring to provide for the selection of a qualified individual who ~~has~~shall completed the necessary training required by the New Jersey Police Training Commission within nine months; and

WHEREAS, the Chief of Police has further recommended the appointment of Aaron Erven as a Police Officer pursuant to this exemption.

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

1. The Borough of Keyport is hereby authorized to participate in the program to hire persons exempt from the Civil Service examination process for entry-level law enforcement positions provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer.
2. Aaron Erven is hereby appointed to the position of Police Officer for a probationary period of one year effective November 26, 2024. Aaron Erven ~~has~~shall successfully completed the necessary Police Officer training course approved by the New Jersey Police Training Commission. The Borough Administrator and Chief of Police are authorized to execute all documents necessary to effectuate participation in this Civil Service exemption program and the appointment of Police Officer Aaron Erven.
3. The Borough Clerk is directed to transmit a certified copy of this resolution to the Borough

Administrator, Chief of Police and the New Jersey Civil Service Commission.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**AUTHORIZING PARTICIPATION IN THE CIVIL SERVICE EXAMINATION
EXEMPTION PROGRAM FOR ENTRY-LEVEL LAW ENFORCEMENT
POSITIONS AND THE APPOINTMENT OF A POLICE OFFICER***Kevin Kerrigan*

WHEREAS, the Borough of Keyport ("Borough") is governed by N.J.S.A. 11A:1-1 et seq., the Civil Service Act, and the rules and regulations established pursuant to this act; and

WHEREAS, P.L.2021, c.7 provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry-level law enforcement position provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer; and

WHEREAS, P.L. 2021, c.7 also provides that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of a resolution by the governing body authorizing such hiring and the adoption of a conflict of interest and nepotism policies; and

WHEREAS, the Borough has previously established a conflict of interest policy (Section 1.14) and a nepotism policy (Section 5.02A) as provided in the Borough's Personnel Policies & Procedures Manual; and

WHEREAS, the Chief of Police has recommended the Borough affirmatively "opt in" and authorize such hiring to provide for the selection of a qualified individual who has completed the necessary training required by the New Jersey Police Training Commission; and

WHEREAS, the Chief of Police has further recommended the appointment of Kevin Kerrigan as a Police Officer pursuant to this exemption.

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

1. The Borough of Keyport is hereby authorized to participate in the program to hire persons exempt from the Civil Service examination process for entry-level law enforcement positions provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer.
2. Kevin Kerrigan is hereby appointed to the position of Police Officer for a probationary period of one year effective November 26, 2024. Kevin Kerrigan will complete the training course approved by the New Jersey Police Training Commission in December 2024. The Borough Administrator and Chief of Police are authorized to execute all documents necessary to effectuate participation in this Civil Service exemption program and the appointment of Police Officer Kevin Kerrigan.

3. The Borough Clerk is directed to transmit a certified copy of this resolution to the Borough Administrator, Chief of Police and the New Jersey Civil Service Commission.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-342

10/18/2024

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2024	\$ 166,436.11
	WATER/SEWER ACCT. 2024	\$ 25,787.18
	PAYROLL FUND BUDGET	\$ 22,414.49
	FEDERAL & STATE GRANTS	\$ 5,621.94
	TRUST OTHER FUND	\$ 7,832.50

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

R24-343
11/01/2024

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT.2023	\$ 500.00
	CURRENT ACCT. 2024	\$ 205,007.51
	WATER/SEWER ACCT. 2024	\$ 34,462.55
	PAYROLL FUND BUDGET	\$ 850.00
	FEDERAL & STATE GRANTS	\$ 5,117.22
	TRUST OTHER FUND	\$ 63,050.35
	UNEMPLOYMENT TRUST FUND	\$ 2,222.53
	OPEN SPACE TRUST FUND	\$ 728.00

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

R24-344

11/15/2024

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2024	\$ 227,001.61
	WATER/SEWER ACCT. 2024	\$ 98,573.81
	PAYROLL FUND BUDGET	\$ 4,752.61
	FEDERAL & STATE GRANTS	\$ 8,020.60
	TRUST OTHER FUND	\$ 5,272.50
	UNEMPLOYMENT TRUST FUND	\$ 2,328.00

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

R24-345

RESOLUTION FOR THE PAYMENT OF BILLS

11/26/2024

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2024	\$ 1,337,058.72
	WATER/SEWER ACCT. 2024	\$ 34,503.05
	ANIMAL CONTROL TRUST	\$ 1,400.00
	GENERAL CAPITAL FUND	\$ 77,528.73
	FEDERAL & STATE GRANTS	\$ 2,182.44
	TRUST OTHER FUND	\$ 39,179.39
	REC BAYFRONT IMPROVEMENT	\$ 2,130.55
	OPEN SPACE TRUST FUND	\$ 21,126.05
	WATER/SEWER CAPITAL FUND	\$ 17,564.97
	DEVELOPER ESCROW	\$ 11,509.29

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

R24-346

RESOLUTION #2024-

**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
OFFICE ON AGING – TITLE IIIB**

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$10,000, which is now available from the County of Monmouth Office on Aging Title IIIB.

BE IT FURTHER RESOLVED, that the like sum of \$10,000 is hereby appropriated under the caption of County of Monmouth Office on Aging Title IIIB; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-347

RESOLUTION

**RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH,
NEW JERSEY, PERMITTING THE TRANSFER OF EXCESS APPROPRIATIONS
PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 permits transfers of appropriations to be made during the last two months of the fiscal year from appropriations which are in excess of the amount deemed to be necessary to fulfill the purpose of such appropriation and to those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keyport that the transfers in the amount of \$ 134,600 be made between the 2024 budget appropriations as follows:

<u>Budget Appropriation</u>	<u>From</u>	<u>To</u>
Administrative & Executive - O/E	\$	5,000.00
A & E - Information Technology		10,000.00
Municipal Clerk - O/E		3,000.00
Municipal Clerk - Revision of Ordinances	\$ 3,000.00	
Tax Collector - S&W	3,000.00	
Finance - O/E		1,000.00
Assessment - S&W	7,000.00	
Assessment - O/E	2,000.00	
UCC - S&W	2,000.00	
Liability Insurance		3,100.00
Group Health Insurance	25,000.00	
Police - S&W	25,000.00	
Police - O/E		25,000.00
Court - S&W		19,000.00
Court - O/E		3,000.00
Streets and Roads - S & W	19,000.00	
Garbage and Trash Removal - S&W		500.00
Buildings and Grounds - O/E		35,000.00
Parks & Playgrounds - O/E		2,000.00
Senior Center - S&W	5,000.00	
Senior Center - O/E		5,000.00
Postage - O/E		5,000.00
Electricity	10,000.00	
Street Lighting		15,000.00
Social Security System		3,000.00

Resolution #2024-
November 26, 2024

Recreation - S & W
Recreation - O/E

20,600.00
13,000.00

	<u>134,600.00</u>		<u>134,600.00</u>
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OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING REIMBURSEMENT FOR SEWER LATERAL INSPECTION COSTS
FOR PROPERTY LOCATED AT 89 PERRY STREET**

WHEREAS, a sewer lateral blockage was reported at the property located at 89 Perry Street, Keyport, NJ, (block 33, lot 9.01) owned by Tracy Mallon; and

WHEREAS, the property owner engaged a licensed plumbing contractor to perform a camera inspection of the sewer lateral on November 12, 2024, to determine the cause and location of the blockage; and

WHEREAS, the inspection revealed that the obstruction was located within the Borough of Keyport's right-of-way, making the issue the Borough's responsibility to address in accordance with Ordinance No. 2023-09; and

WHEREAS, the Borough's Department of Public Works has since addressed and resolved the issue by cleaning the sewer lateral; and

WHEREAS, the property owner, Tracy Mallon, has requested reimbursement for the cost of the camera inspection, totaling \$286.82, supported by the attached inspection report and invoice.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The Borough of Keyport hereby authorizes the reimbursement of \$286.82 to Tracy Mallon of 89 Perry Street, Keyport, NJ, for the costs incurred for the sewer lateral inspection.
2. The Borough's Finance Department is authorized and directed to process the reimbursement upon receipt of all necessary documentation confirming the expenses and to issue payment to Tracy Mallon.
3. A certified copy of this resolution, along with the supporting documentation, shall be provided to the Borough's Finance Department and Tracy Mallon for their records.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-349

RESOLUTION #2024-

**AUTHORIZING THE RETURN OF ONE-HALF OF THE POSTED
CASH REPAIR DEPOSIT FOR ROAD OPENING PERMIT AT
75 DIVISION STREET**

WHEREAS, Laura Dimattina, the applicant for the property located at 75 Division Street, Keyport, NJ (Block 78, Lot 5), submitted a road opening permit for the installation of concrete curbing along the property frontage on Warren Street; and

WHEREAS, in accordance with the Borough of Keyport Street Excavation requirements (Section 16-1 of the Borough Code), the Applicant posted a cash repair deposit in the amount of \$1,980.00 with the Borough of Keyport prior to the issuance of the road opening permit; and

WHEREAS, the work covered under the cash repair deposit has been satisfactorily completed as determined by the Borough Engineer, and Section 16-1 provides that one-half (50%) of the cash repair deposit shall be refunded upon completion of the work, with the balance to be returned upon expiration of a two-year maintenance period, provided the work remains in satisfactory condition; and

WHEREAS, the remaining half of the cash repair deposit, in the amount of \$990.00, shall be eligible for return no sooner than October 15, 2026, subject to the Borough's determination that the work remains in satisfactory condition at that time;

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

1. The Borough is authorized to return one-half (50%) of the cash repair deposit to Laura Dimattina, in the amount of \$990.00.
2. The remaining \$990.00 shall be held by the Borough of Keyport until no sooner than October 15, 2026, at which time it may be refunded, provided the Borough determines that the work remains in satisfactory condition.
3. A certified copy of this resolution shall be provided to Laura Dimattina and the Finance Department for their records and further action.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE REDUCTION OF THE PERFORMANCE
GUARANTEE FOR 174 CHURCH STREET**

WHEREAS, 174 Church St., Keyport LLC (the "Developer") has requested a reduction of the performance guarantee posted for the development project located at Block 85, Lots 4-10 and 13 in the Borough of Keyport, Monmouth County, NJ; and

WHEREAS, the original performance guarantees posted for the project are as follows:

- Performance Bond: \$315,316.20
- Cash Surety: \$35,035.13
- Total Bond Amount: \$350,351.33; and

WHEREAS, the Borough Engineer has reviewed the project status and performed a site inspection, and has estimated that bonded improvements are approximately 14 percent complete; and

WHEREAS, the Borough Engineer recommends the following action:

- Reduction of the performance guarantee to a face amount of not less than \$270,167.00
- Reduction of the cash deposit to an amount not less than \$30,019.00; and

WHEREAS, the above amounts are equal to \$300,185.00, representing 86% of the original performance guarantee.

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

1. The performance guarantee posted by the Developer is hereby reduced as follows, subject to verification by the Borough Clerk and Chief Financial Officer:
 - Reduced Performance Bond: \$270,167.00
 - Reduced Cash Surety: \$30,019.00
 - Total Retained Guarantee: \$300,185.00
2. The reduction of the performance guarantee as outlined above is conditioned upon the Developer's payment of all outstanding escrow fees, if applicable.
3. The remaining 86% of the original performance guarantee shall be retained by the Borough to ensure completion and acceptability of all remaining improvements.
4. Upon adoption of this resolution, the Borough Clerk and Chief Financial Officer are authorized to notify the Developer of the reduction and take the necessary steps to release the applicable amounts of the performance guarantee.
5. This resolution shall take effect immediately.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-351

RESOLUTION #2024-

**AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD
ESCROW FUNDS FOR 310 FIRST STREET**

WHEREAS, Becikoglu Real Estate Investments, LLC, 203 Atlantic Street, Keyport, NJ, (the "Applicant") previously posted escrow funds pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Borough Ordinances, for professional services related to the review of an application for minor subdivision and bulk variance approval for property located at 310 First Street, Keyport, NJ (block 135, lots 10 and 11); and

WHEREAS, the review has been completed and the Applicant has requested the return of any unused Planning Board funds; and

WHEREAS, the Borough Engineer has recommended the return of any remaining escrow funds.

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

1. The Borough is authorized to return the remaining Planning Board escrow to Becikoglu Real Estate Investments, LLC, in the amount of \$1,810.50.
2. A certified copy of this resolution shall be provided to Becikoglu Real Estate Investments, LLC, and the Finance Department for their records and further action.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-352

RESOLUTION #2024-

**AUTHORIZING A WATER/SEWER BILL ADJUSTMENT FOR 222 BROADWAY
DUE TO A WATER LEAK**

WHEREAS, Omer Investment, LLC, owner of 222 Broadway, had a water leak due to a broken pipe; and

WHEREAS, the leaked water did not go into the sewer system; and

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments, payment plans and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments, payment plans and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents.

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

1. Formal authorization to reduce the sewer portion for 222 Broadway water/sewer bill due to a water leak that did not go into the Keyport sewer system.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
10021900-0	Omer Investment, LLC	\$472.93	Reduce Sewer due to leak

2. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-353

RESOLUTION #2024-

**AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT
183 BROAD STREET**

WHEREAS, an overpayment occurred for the 4th quarter 2024 water/sewer bill for Block 65, Lot 8, located at 183 Broad Street, due to payments made by both the prior property owner, Serena D. Triolo, and the title company; and

WHEREAS, this double payment resulted in an overpayment of \$307.43.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, that a refund in the amount of \$307.43 for the 4th quarter 2024 water/sewer overpayment is hereby authorized to be issued to Serena D. Triolo.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**REQUESTING A WAIVER OF THE MORATORIUM ON STREET OPENINGS
TO ALLOW INSTALLATION OF NATURAL GAS SERVICE AT
23 MANCHESTER AVENUE**

WHEREAS, the Borough of Keyport has established a moratorium on street openings between November 15th and March 31st to protect the integrity of roadways during adverse weather conditions, as set forth in the Borough Code; and

WHEREAS, the new owner of the property located at 23 Manchester Avenue, Keyport, NJ, (block 130, lot 3) has applied for the installation of new natural gas service with New Jersey Natural Gas to replace the home's outdated heating system, which was previously serviced by an underground oil tank that has since been removed; and

WHEREAS, the homeowner is in the process of fully restoring the home, which has been occupied by essentially the same family since its construction in 1909, and is planning to move in with his family and four dogs; and

WHEREAS, the lack of heat in the home until April 2024 would halt the restoration efforts and create significant hardship for the homeowner; and

WHEREAS, the homeowner has submitted a street opening permit application to New Jersey Natural Gas, and per standard practice, this application is expected to be denied by the Borough Engineer in accordance with the moratorium; and

WHEREAS, the homeowner has requested that the Governing Body consider waiving the moratorium and grant an exception to allow the installation of natural gas service, ensuring the property has an appropriate and code-compliant heating source.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, that an exception to the moratorium on street openings between November 15th and March 31st is hereby granted for the property located at 23 Manchester Avenue, Keyport, NJ, to allow for the necessary gas service installation.

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to approve the permit application provided by New Jersey Natural Gas upon receipt of the Borough Engineer's approval letter setting forth the minimum standards to be followed pursuant to Chapter 16 of the Keyport Borough Code.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the homeowner, New Jersey Natural Gas, the Borough Engineer, and the Supervisor of Public Works for proper record-keeping and further action.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS
FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF KEYPORT
FOR THE 2025 CALENDAR YEAR**

WHEREAS, the Borough of Keyport (the "Borough") has a need for certain professional services in order to advise the Mayor and Borough Council on various matters during the 2025 calendar year; and

WHEREAS, the Borough desires to prepare and publicly solicit sealed requests for proposals (RFP's) through a fair and open process for these services in accordance with N.J.S.A. 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the Borough Officials, including the Borough's Qualified Purchasing Agent, be and are hereby authorized to prepare and advertise for request for proposals for certain professional services for the 2025 calendar year.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

AUTHORIZING "WINDOW" CONTRACTS

WHEREAS, Pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Laws), the Borough must award by resolution all goods and services contracts with a dollar amount between \$17,500 and \$43,999. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Borough; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services that fall between \$17,500 and the bid threshold of \$44,000 in the aggregate, an approval by resolution must be in place; and

WHEREAS, the Borough of Keyport retained the services of:

- Archer & Greiner
- Core and Main
- Fire & Safety Services
- Edmunds and Associates
- Garrison Enterprise, Inc.
- Jet Vac Equipment, LLC
- Skylands Fire Equipment
- Stavola Asphalt Co.

WHEREAS, a request for quotes for the required work to be performed was requested from several contractors for the various work; and

WHEREAS, the above mentioned vendors completed and submitted to the Borough the required documents.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough recognizes that the Purchasing Agent on behalf of the Borough has issued and executed a Purchase Order for the foregoing to the above vendors with funds certified available by the Chief financial Officer.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at their regular meeting held on November 26, 2024

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**AUTHORIZING THE AWARD OF A CONTRACT FOR
IMPROVEMENTS TO CEDAR STREET PARK**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") seeks to award a contract for Cedar Street Park Improvements (the "**Contract**"); and

WHEREAS, the Borough advertised bid specifications for the Contract and set forth the scope of the Contract and the items to be included in the scope of the Contract; and

WHEREAS, on September 20, 2024, the Borough received five (5) bids for the Contract; and

WHEREAS, the Borough's Engineer, CME Associates, reviewed the bids and prepared a Bid Report and Recommendation of Award, on file with the Office of the Borough Clerk, recommending that the Borough award the Contract to Shore Top Construction Corp., 23 Yellowbrook Road, Freehold, NJ ("**STCC**") on a unit price basis in the total amount not to exceed \$637,135.00 for base bid items 1 through 37 and bid alternate items A-1 through A-21, inclusive, as available funding permits; and

WHEREAS, the Borough's Chief Financial Officer has certified that the necessary funds are available for the Contract by Bond Ordinance No. 23-13 Improvements to Cedar Street Park and the Open Space Trust grants obtained in 2021 and 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough hereby authorizes the award of the Contract to STCC for services related to the Improvements to Cedar Street Park in an amount not to exceed \$637,135.00, in accordance with the bid specifications, which are incorporated hereto and made a part hereof by reference, and the Mayor is authorized to execute the Contract.
3. The foregoing award of Contract is subject to: (i) the certification of available funds by the Chief Financial Officer of the Borough; (ii) STCC executing and delivering the Contract, on file with the Office of the Borough Clerk; (ii) STCC obtaining and submitting to the Borough the required bonds, insurance certificates, and such other documents required in the bid specifications or required by the Borough; and (iv) review and approval by the Monmouth County Community Development office.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

5. This Resolution shall take effect as provided by law.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION FOR
CLARK STREET IMPROVEMENTS BY THE BOROUGH OF KEYPORT AND
TOWNSHIP OF HAZLET**

WHEREAS, Borough of Keyport and Township of Hazlet believe that a collaborative effort on a Grant application for Clark Street Improvements would significantly benefit both communities and maximize the potential of a Grant application for the Clark Street Improvement grant; and

WHEREAS, the grant application for Clark Street Improvements will allow for a joint application.

NOW, THEREFORE, BE IT RESOLVED that the governing bodies of the Borough of Keyport and the Township of Hazlet hereby authorize the submission of a joint Clark Street Improvements grant application.

BE IT FURTHER RESOLVED that Keyport Borough Administrator shall serve as the primary contact for the grant application and will coordinate with the Hazlet Township Administrator to ensure all necessary information and documentation is submitted in accordance with the grant guidelines.

BE IT FURTHER RESOLVED that the municipalities shall share project responsibilities and will pass an additional resolution if the grant is approved.

BE IT FURTHER RESOLVED that the governing bodies of Borough of Keyport and Township of Hazlet agree to fully comply with all terms and conditions of the grant application.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

224-359
Amended 11/25

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR THE SFY2025 SAFE AND SECURE COMMUNITIES GRANT PROGRAM

NOW, THEREFORE, BE IT RESOLVED that the State of New Jersey Department of Law and Public Safety is providing the Borough of Keyport (the "Subrecipient") a subaward (subaward # 25-1322) in the amount of \$22,575.

BE IT FURTHER RESOLVED that the total project cost is \$150,130 (salary plus fringe benefits) with the grant amount of \$22,575 and the remaining project cost of \$127,555 provided through a Borough match.

BE IT FURTHER RESOLVED that the Subaward period is from April 28, ~~2024~~ 2025 to April 27, 2025.

BE IT FURTHER RESOLVED that the Keyport Borough Council is authorized to accept the Subaward for the above stated program on behalf of the Subrecipient.

BE IT FURTHER RESOLVED that the Keyport Borough Council is accepting the granting of funds in the amount of \$22,575 under the SFY2025 Safe and Secure Communities Grant Program.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to execute the subaward agreement on behalf of the Borough of Keyport and that their signature constitutes acceptance of the terms and conditions of the subaward agreement and approves the execution of the subaward agreement.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport

R24-360

RESOLUTION #2024-

**APPROVAL TO SUBMIT A GRANT EXTENSION REQUEST TO THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE IMPROVEMENTS TO
SECOND STREET – PHASE I PROJECT**

WHEREAS the extension of Improvements to Second Street – Phase I is a project funded by the NJDOT Division of Local Aid and Economic Development, identified as 2023-MA-00403; and

WHEREAS the NJDOT has requested the Borough request an award extension to allow adequate time for their subject matter experts to review the project plans and specifications before authorizing the project for bids.

NOW, THEREFORE, BE IT RESOLVED that it is the Borough's understanding that these circumstances meet the criteria for granting an extension to award the contract according to those set forth in the State Aid Handbook.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Keyport support the request for a six (6) month extension of award for this project as it is in the best interest of the project.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport

R24-361

RESOLUTION #2024-

**AUTHORIZING EXECUTION OF MONMOUTH COUNTY
SPECIAL CITIZENS AREA TRANSPORTATION (SCAT) 2025
AGREEMENT**

WHEREAS, the Borough of Keyport has heretofore entered into an Agreement with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizen Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals among others, residing within the Borough of Keyport for the year 2024 pursuant to an agreement between the Borough of Keyport and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Governing Body of the Borough of Keyport wishes to continue said services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the aforesaid agreement be extended upon its same terms for calendar year 2025 as if the same has been set forth at length herein.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute this Agreement.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify this to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AMENDING RESOLUTION #2024-333 TO IDENTIFY THE LOCAL PLAN
ADMINISTRATOR BY TITLE ONLY**

WHEREAS, on October 15, 2024, the Mayor and Council of the Borough of Keyport adopted Resolution #2024-333, authorizing an agreement between the Borough of Keyport and National Life Group to provide a Deferred Compensation Plan for Borough employees; and

WHEREAS, Resolution #2024-333 designated Kimberly Humphrey, Administrator, as the Local Plan Administrator for the administration of the Deferred Compensation Plan; and

WHEREAS, pursuant to N.J.A.C. 5:37-5.4, it is best practice to identify the Local Plan Administrator by title rather than by name to ensure continuity of administration and avoid the need for future amendments in the event of a personnel change.

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

1. Resolution #2024-333 is hereby amended to remove the name "Kimberly Humphrey" and identify the Local Plan Administrator for the administration of the Deferred Compensation Plan by title only.
2. The Local Plan Administrator shall henceforth be identified solely as "Administrator."
3. All other provisions of Resolution #2024-333 shall remain in full force and effect.
4. A certified copy of this amendatory resolution shall be submitted along with all necessary required documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE DONATION OF 1990 PIERCE FIRE TRUCK TO THE NEW JERSEY FIRE MUSEUM AND FALLEN FIREFIGHTERS MEMORIAL**

WHEREAS, the Borough of Keyport has determined that (1) 1990 Pierce fire truck having a VIN of 4P1CT01F9LA000625, (the "apparatus") being over 30 years old is no longer needed for public purposes due to physical deterioration and obsolescence; and

WHEREAS, the Borough desires to donate same to the New Jersey Fire Museum and Fallen Firefighters Memorial so that the apparatus may be showcased and its history preserved; and

WHEREAS, N.J.S.A. 40A:11-36(2) provides that any action to donate surplus equipment, vehicles, or supplies must be authorized by a governing body resolution stating that the vehicles and equipment are no longer needed for public use before final disposition.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, New Jersey, as follows:

1. The 1990 Pierce fire truck is hereby declared to be surplus as the apparatus is no longer needed for public purposes; and
2. The Borough Administrator is hereby authorized and directed to donate, on behalf of the Borough, said apparatus to the New Jersey Fire Museum and Fallen Firefighters Memorial.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-364

RESOLUTION #2024-

**APPROVING NEW JERSEY STATE FIREMEN'S ASSOCIATION
APPLICATION FOR MEMBERSHIP**

WHEREAS, Keyport Fire Department Eagle Hose Company accepted the resignation of Jake Vecchio at a meeting held on July 8, 2024; and

WHEREAS, Keyport Fire Department Eagle Hose Company accepted Hunter Yale into membership at that same meeting.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve Hunter Yale to active membership in Keyport Fire Department Eagle Hose Company.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING APPOINTMENTS OF SPECIAL LAW ENFORCEMENT OFFICERS**

Robert McCartin, Daniel Gross, Valerie Aguirre

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, N.J.S.A.40A:14-146.8 et seq. authorizes the appointment of Special Law Enforcement Officers (SLEO) for a term not to exceed one (1) year; and

WHEREAS, Section 3-5.9 of the Borough Code provides for the appointment of special law enforcement officers subject to approval by resolution of the Borough Council; and

WHEREAS, the Chief of Police has recommended the appointment of qualified individuals as Class II and Class III Special Law Enforcement Officers and the Borough Administrator, as the designated Appropriate Authority, approves these recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. Robert McCartin is hereby appointed a Class III Special Law Enforcement Officer for a term ending December 31, 2024.
2. Daniel Gross is hereby appointed a Class II Special Law Enforcement Officer for a term ending December 31, 2024.
3. Valerie Aguirre is hereby appointed a Class II Special Law Enforcement Officer for a term ending December 31, 2024.
4. All Special Law Enforcement Officer appointments are contingent upon the successful completion of a pre-employment physical examination.
5. All Special Law Enforcement Officers shall be compensated on an hourly basis within the hourly pay range established by ordinance and approved by the Chief of Police and Borough Administrator.
6. All Special Law Enforcement Officers shall be reappointed to a one-year term on January 1, 2025.
7. The Borough Clerk is directed to forward certified copies of this resolution to the Chief of Police and Borough Administrator.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

Ray-3666

RESOLUTION #2024-

**AUTHORIZING THE APPOINTMENT OF A PART-TIME BUILDING
MAINTENANCE WORKER IN THE DEPARTMENT OF PUBLIC WORKS**

Charlene Watson

WHEREAS, a vacancy exists within the Borough of Keyport (the "Borough") Department of Public Works; and

WHEREAS, the Department of Public Works Supervisor and the Borough Administrator have reviewed the applications submitted to fill this vacant position, have interviewed prospective employees, and have recommended an appointment to fill this vacancy.

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

1. Charlene Watson is hereby appointed to the position of part-time Building Maintenance Worker effective retroactively as of November 4, 2024, and shall be compensated at an hourly rate of \$16.00 per hour, not to exceed 25 hours per week.
2. The Borough Administrator is hereby authorized to execute all documents necessary to effectuate this appointment.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, the Public Works Supervisor, and Charlene Watson.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-367

PULLED

RESOLUTION #2024-**AUTHORIZING SALARY INCREASE FOR TAX ASSESSOR***Michael Delre*

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:9-146 et seq., as amended and supplemented, there is hereby created the Office of Tax Assessor in the Borough of Keyport; and

WHEREAS, Mike Delre serves as the Tax Assessor for the Borough of Keyport; and

WHEREAS, it is deemed necessary to adjust and pro-rate the salary of the Tax Assessor for the fiscal year 2024; and

WHEREAS, the salary adjustment reflects a total annual compensation of \$35,000 for the year 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, New Jersey, as follows:

1. The salary of Mike Delre, Tax Assessor, shall be pro-rated and fixed at \$35,000 for the fiscal year 2024, effective as of January 1, 2024.
2. The necessary budgetary adjustments shall be made to reflect this change.
3. The Borough Administrator is hereby authorized and directed to implement this adjustment and ensure proper disbursement of funds in accordance with applicable regulations.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mike Delre, the Finance Department, and any other relevant parties for their records.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-369

RESOLUTION #2024-

**AUTHORIZING A STIPEND INCREASE FOR SECRETARY TO THE COMBINED
LAND USE BOARD – Denise Nellis**

WHEREAS, Denise Nellis serves as the Secretary to the Combined Land Use Board and has provided valuable service to the Borough in this capacity; and

WHEREAS, the Mayor and Council recognize the need to adjust stipends to reflect the workload, responsibilities, and commitment associated with this position; and

WHEREAS, the Mayor and Council find it appropriate to authorize a stipend increase of \$1,050.00 for Denise Nellis, prorated for the 2024 calendar year.

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

1. Denise Nellis shall receive an increase in her annual stipend of \$1,050.00, prorated for the 2024 calendar year, effective January 1, 2024.
2. The Business Administrator is authorized to take all necessary actions to implement this stipend adjustment and ensure it is reflected in the Borough's payroll records.
3. The Payroll Supervisor is directed to calculate and distribute the prorated stipend increase for the 2024 calendar year in accordance with Borough policies and procedures.
4. All other terms and conditions of Denise Nellis' position as Secretary to the Combined Land Use Board shall remain unchanged.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Denise Nellis and the Borough's Finance Department for their records.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**AUTHORIZING APPROVAL OF AMENDMENTS TO THE BYLAWS OF KEYPORT
BID, INC.**

WHEREAS, the Borough of Keyport ("Borough") has established a Business Improvement District in accordance with Chapter 21 of the Borough Code and the provisions of N.J.S.A. 40:56-65 et seq.; and

WHEREAS, Keyport BID, Inc., doing business as the "Keyport Bayfront Business Cooperative," has been designated as the District Management Corporation under state law and the Borough Code; and

WHEREAS, Section 21-8(c)(1) of the Borough Code authorizes the District Management Corporation to adopt bylaws to govern its affairs and business operations; and

WHEREAS, the Board of Directors of Keyport BID, Inc. has adopted revisions to its bylaws, which have been submitted to the Mayor and Council for approval in accordance with Borough Code Section 21-8(c)(1)(a);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, County of Monmouth, and State of New Jersey, that the amendments to the bylaws of Keyport BID, Inc., specifically regarding the election process, as attached hereto as Exhibit A, are hereby approved.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of November 26, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**APPROVING CHANGES TO KEYPORT BAYFRONT
BUSINESS COOPERATIVE EVENTS**

WHEREAS, Resolution #2024-91 authorized the Keyport Bayfront Business Cooperative (the "KBBC") to hold multiple events on various properties that are owned by the Borough of Keyport (the "Borough"); and

WHEREAS, the KBBC has submitted a request to amend the following authorized events:

EVENT: November 30th – Miracle on Front Street

CHANGES: Requesting to add closure of the lot on American Legion located at the bottom of the Mini Park for parking of the video games trailer. The east entrance of the lot shall remain open for residents of the buildings on W. Front Street to access parking. Also requesting to change the time of the event from 11AM-5PM to now 11AM-8PM.

EVENT: December 14th – Christmas Market

CHANGES: Relocating event from the Broad Street municipal lot to Main Street between W. Front Street and the entrance to the municipal lot next to Nature's Plate. (request to close street added)

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve the requested amendments as set forth herein.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

R24-372

RESOLUTION #2024-

**APPROVING THE ISSUANCE OF A SOCIAL AFFAIR PERMIT FOR
KEYPORT MATAWAN ELKS BPOE 2030**

WHEREAS, the Keyport Matawan Elks BPOE 2030 has filed an application for a Social
Affair Permit for an event to be held November 30, 2024, from 6:00 p.m. to midnight at 249
Broadway, Keyport, New Jersey; and

WHEREAS, the application is complete in all respects.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough
of Keyport hereby approve the issuance of the Social Affair Permit to the Keyport Matawan Elks
BPOE 2030 for an event to be held November 30, 2024, from 6:00 p.m. to midnight at 249
Broadway, Keyport, New Jersey.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution
adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on
November 26, 2024

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-373

PULLED

RESOLUTION #2024-

R24-374
ADDED

**AUTHORIZING PAYMENT TO PURCHASE PENSION SERVICE CREDIT
FOR BOROUGH EMPLOYEE**

WHEREAS, Employee JR (Employee ID RU0001), a former dispatcher for the Keyport Police Department, served in this role for a period of eleven (11) months during which he/she was eligible for enrollment in the New Jersey Public Employees' Retirement System (PERS); and

WHEREAS, it was determined that due to a clerical error, Employee JR was not properly enrolled in PERS during this time, resulting in a discrepancy in credited pension service; and

WHEREAS, Employee JR has brought this discrepancy to the attention of the Borough of Keyport multiple times over the years, requesting assistance and resolution, which the Borough acknowledges was not adequately addressed; and

WHEREAS, the New Jersey Division of Pensions and Benefits has provided Employee JR with the opportunity to purchase the missing eleven (11) months of service credit at a cost of Fifteen Thousand Nine Hundred Seventeen Dollars and Two Cents (\$15,917.02) if payment is completed by December 18, 2024; and

WHEREAS, the Borough of Keyport recognizes its responsibility to rectify the oversight and ensure compliance with applicable pension laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The Borough of Keyport hereby authorizes the payment of Fifteen Thousand Nine Hundred Seventeen Dollars and Two Cents (\$15,917.02) to the New Jersey Division of Pensions and Benefits for the purpose of purchasing eleven (11) months of pension service credit for Employee JR (#RU0001).
2. The Borough Administrator and Chief Financial Officer are authorized to take all necessary actions, including the preparation and submission of required documentation, to complete this payment before December 18, 2024.
3. This resolution shall take effect immediately upon passage and compliance with all legal requirements.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

Resolution #2024-
November 26, 2024

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk

Mayor
Rose P. Araneo, Class I

Planning Board Members
Harry M. Aumack II
W. McDermott
Juan Carlos Oviedo
Donald Pacheco
Mark Sessa

Alternates
C. Demarest
J. Kovacs-Olsen



ORD #1
Class II

Class III
Ron Peperoni

Chairman
Joseph Merla

October 25, 2024

Dear Mayor and Councilmembers;

Re: Ordinance of the Borough Council of the Borough of Keyport to Amend the Stormwater Management and Control

The Board reviewed and discussed the Ordinance of the Borough Council of the Borough of Keyport to Amend Chapter 24 Stormwater Management and Control at the October 25th meeting and the Board feels it is consistent with the Master Plan.

Very truly yours,

Denise Nellis
Certified Planning Board Secretary
Borough of Keyport
dnellis@keyportonline.com

cc: Michele Clark, Borough Clerk
Kim Humphrey, Borough Administrator

ORD # 2024-12

Formatted Copy to
Be Provided

Chapter 24 Stormwater Management and Control

ORD # 1

Public Hearing /

ADOPTION

§ 24-1 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. It is the purpose of this chapter to establish minimum stormwater management requirements and controls for "major development" as defined in § 24-2.

c.

Applicability.

1.

This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

(a)

Nonresidential, major developments; and

(b)

Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2.

This chapter shall also be applicable to all major developments undertaken by the Borough of Keyport.

3.

An application required by ordinance pursuant to C.1 above that has been submitted prior to July 17, 2023, (NB1) shall be subject to the stormwater management requirements in effect on July 16, 2023. (NB2)

[Amended X-X-XX by Ord. No. XX-24]

4.

An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 17, 2023^(NB3), shall be subject to the stormwater management requirements in effect on July 16, 2023^(NB4).

[Amended X-X-XX by Ord. No. XX-24]

5.

Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023

[Amended X-X-XX by Ord. No. XX-24]

<<Added Sections 3, 4, and 5>>

d.

Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits, or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this 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 ordinance, 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.

§ 24-2 DEFINITIONS.

[Ord. No. 3-07; Amended X-X-XX by Ord. No. XX-24]

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. 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

The increase in soil bulk density.

CONTRIBUTARY 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:

a.

A County planning agency; or

b.

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.

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.

DESIGNATED CENTER

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

DEVELOPMENT

The division of a parcel of land into two 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, by any person, 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 lands, 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.

DRAINAGE AREA

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD

A neighborhood 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.

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 AREAS

An area or feature which is of significant environmental value, including, but not limited to, stream corridors; natural heritage priority sites; habitat 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.

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.

HYDROLOGIC UNIT CODE 14 (HUC 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.

IMPERVIOUS SURFACE

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

INFILTRATION

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

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

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

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

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

MOTOR VEHICLE

A 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.

MUNICIPALITY

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

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (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 New Jersey Stormwater Best Management Practices Manual July 2023 Appendix D: Model Stormwater Control Ordinance for Municipalities Page D-7 on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 24-4 of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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

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, the Borough of Keyport, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

PUBLIC ROADWAY OR RAILROAD

a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity

<<Added Definition>>

[Amended X-X-24 by Ord. No. XX-24]

PUBLIC TRANSPORTATION ENTITY

a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

<<Added Definition>>

[Amended X-X-24 by Ord. No. XX-24]

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 New Jersey Stormwater Best Management Practices Manual July 2023 Appendix D: Model Stormwater Control Ordinance for Municipalities Page D-8 system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

[Added X-X-2021 by Ord. No. 2021-XX]

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 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.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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 BASIN

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

STORMWATER MANAGEMENT MEASURE

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

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

URBAN ENTERPRISE ZONE

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:

a.

Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), designated centers, cores or nodes;

b.

Designated as CAFRA centers, cores or nodes;

c.

Designated as Urban Enterprise Zones; and

d.

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 two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water 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 groundwater 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.

§ 24-3 GENERAL STANDARDS.

a.

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

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

b.

The standards in this 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 development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in NJAC 7:8-5.

§ 24-4 STORMWATER MANAGEMENT REQUIREMENTS FOR MAJOR DEVELOPMENT.

[Ord. No. 3-07; amended xx-xx-20xx by Ord. No. 18-24]

a.

Maintenance plan required. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 24-10.

b.

Threatened and endangered species. 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 muhlenbergii* (bog turtle).

c.

Exemptions. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 24-4f and g:

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.

Waivers. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 24-4f and g 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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of § 24-4f and g to the maximum extent practicable;

3.

The applicant demonstrates that, in order to meet the requirements of § 24-4f and g, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4.

The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection d3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 24-4f and g that were not achievable on site.

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

<https://dep.nj.gov/stormwater/bmp-manual/>

<<Updated Web Link>>

[Amended X-X-XX by Ord. No. XX-24]

f.

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

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

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)				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>

<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Subsection O(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention

component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at § 24-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 24-2.

R.

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 § 24-6B. Alternative stormwater management measures may be used to satisfy the requirements at Subsection O only if the measures meet the definition of green infrastructure at § 24-2. Alternative stormwater management measures may be used to satisfy the requirements at Subsection O(2) only if the measures meet the definition of green infrastructure at § 24-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D is granted from Subsection O.

h.

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

I.

Design standards for stormwater management measures are as follows:

- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 24-9C;
- (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 § 24-9; and
- (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J.

Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 24-2 may be used only under the circumstances described at Subsection O.4.

K.

Any application for a new agricultural development that meets the definition of major development at § 24-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L.

If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being

determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M.

Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Monmouth County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 24-11B(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 § 24-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Monmouth 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 Subsections P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection F and/or an alternative stormwater management measure approved in accordance with Subsection G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

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

P.

Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 24-5, either:
 - (a) 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

- (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to § 24-5 Subsection D of this ordinance, is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

<<Updated Section Wording>>

[Amended X-X-24 by Ord. No. XX-24]

Q.

Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (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, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 – Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

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

R.

Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 24-5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in § 24-5 Subsections C and D,

respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- (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 current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to § 24-5 Subsections C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in § 24-5 Subsections C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

<<Updated Section Wording>>

[Amended X-X-24 by Ord. No. XX-24]

§ 24-5 CALCULATION OF STORMWATER RUNOFF AND GROUNDWATER RECHARGE.

[Ord. No. 3-07, amended XX-XX-XXXX by Ord. No. XX-24]

A.

Stormwater runoff shall be calculated in accordance with the following:

1.

The design engineer shall calculate runoff using the following methods:

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

reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

<<Updated Web Link>>

[Amended X-X-XX by Ord. No. XX-24]

<<Section Removed>>

2.

For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology at § 24-5a1(a). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

<<Remove all references to "Runoff Coefficient">>

[Amended X-X-24 by Ord. No. XX-24]

3.

In computing preconstruction 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 preconstruction 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 and other methods may be employed.

5.

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

B.

Groundwater recharge may be calculated in accordance with the following:

1.

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.

C.

The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

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

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

NOTE: The municipality may instead wish to abbreviate this table along with the text in Item 2 above to reflect only the relevant information, depending on the location of the municipality. The current precipitation adjustment factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(c) as Table 5-5.

<< Added Section C >>

[Amended X-X-XX by Ord. No. XX-24]

Table 5 – Current Precipitation Adjustment Factors^(NBS)

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

<<Table 5 Added>>

[Amended X-X-XX by Ord. No. XX-24]

D.

Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted

according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

<< Added Section D >>

[Amended X-X-XX by Ord. No. XX-24]

NOTE: The municipality may instead wish to abbreviate this table along with the text in Item D above to reflect only the relevant information, depending on the location of the municipality. The future precipitation change factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(d) as Table 5-6.

Table 6 – Future Precipitation Change Factors^(N86)

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

<<Table 6 Added>>

[Amended X-X-XX by Ord. No. XX-24]

§ 24-6 STANDARDS FOR STRUCTURAL STORMWATER MANAGEMENT MEASURES.

[Ord. No. 3-07; amended 12-18-2018 by Ord. No. 26-18]

a.

Standards for structural stormwater management measures are as follows:

1.

Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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.

Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than $\frac{1}{3}$ the width of the diameter of the orifice or $\frac{1}{3}$ the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 24-8b.

3.

Structural 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.

At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 $\frac{1}{2}$ inches in diameter.

5.

Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 24-8.

b.

Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 24-4 of this chapter.

c.

Manufactured treatment devices may be used to meet the requirements of § 24-4 of this chapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 24-7 SOURCES FOR TECHNICAL GUIDANCE.

[Ord. No. X-XX; amended XX-XX-XX by Ord. No. XX-24]

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:

<https://dep.nj.gov/stormwater/bmp-manual/>.

Updated Web Link

[Amended X-X-XX by Ord. No. XX-24]

(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://dep.nj.gov/stormwater/maintenance-guidance/>.

Updated Web Link

[Amended X-X-XX by Ord. No. XX-24]

b.

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

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625- 0420.

[Amended X-X-XX by Ord. No. XX-24]

§ 24-8 SOLIDS AND FLOATABLE MATERIALS CONTROL STANDARDS.

[Ord. No. X-XX; amended XX-XX-XX by Ord. No. XX-24]

a.

Site design features identified under § 24-4F, or alternative designs in accordance with § 24-4G, 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 § 24-8A(2) below.

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

- (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 seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- (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 two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(2) The standard in A(1) above does not apply:

- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (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 one of the following:

- [1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- [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 one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

- (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.

§ 24-9 SAFETY STANDARDS FOR STORMWATER MANAGEMENT BASINS.

[Ord. No. 3-07; amended XX-XX-24 by Ord. No. XX-24]

a.

This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins^(NB7). This section applies to any new stormwater management basin^(NB8).

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^(NB9). Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs^(NB10) to be retrofitted to meet one or more of the safety standards in § 24-9C(1),(2), and (3) for trash racks, overflow grates, and escape provisions at outlet structures.

c.

Requirements for trash racks, overflow grates and escape provisions.

1.

A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin^(NB11) to ensure proper functioning of the basin outlets in accordance with the following:

(a)

The trash rack shall have parallel bars, with no greater than six-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.

(d)

The trash rack shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.

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 greater than two inches across the smallest dimension.

<<"no less" changed to "no greater">>

[Amended X-X-XX by Ord. No. XX-24]

(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 lbs./ft. sq.

3.

For purposes of this subsection, "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management ~~basins~~^(NB12). Stormwater management ~~basins~~^(NB13) shall include escape provisions as follows:

(a)

If a stormwater management ~~basin~~^(NB14) has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 24-8c, a freestanding outlet structure may be exempted from this requirement.

(b)

Safety ledges shall be constructed on the slopes of all new stormwater management ~~basins~~^(NB15) having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water

surface. See § 24-8d for an illustration of safety ledges in a stormwater management basin. (NB16)

(c).

In new stormwater management basins, (NB17) the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

d.

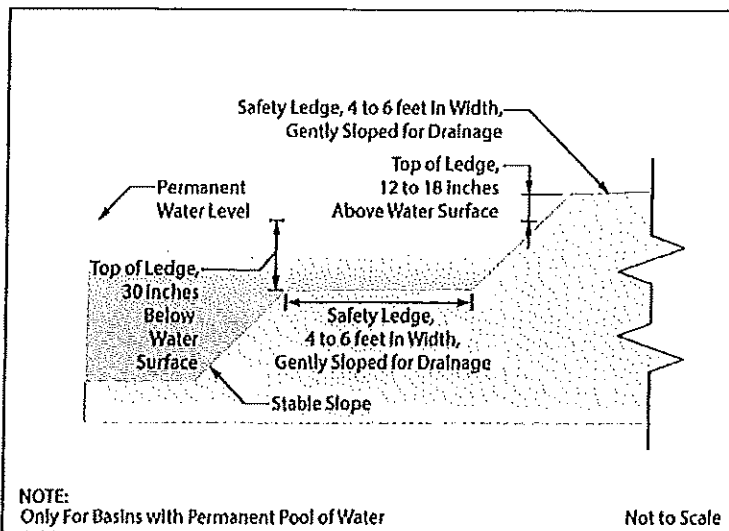
Variance or exemption from safety standards.

1.

A variance or exemption from the safety standards for stormwater management basins (NB18) may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or department) that the variance or exemption will not constitute a threat to public safety.

e.

Illustration of safety ledges in a new stormwater management basin.



§ 24-10 REQUIREMENTS FOR A SITE DEVELOPMENT STORMWATER PLAN.

[Ord. No. 3-07; amended 03-02-21 by Ord. No. 1-21]

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 § 24-9c below as part of the submission of the applicant's application for subdivision or site plan approval.

2.

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

3.

The applicant shall submit seven copies of the materials listed in the checklist for site development stormwater plans in accordance with § 24-9c of this chapter.

b.

Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) 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.

Checklist requirements. 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 one inch equals 200 feet or greater, showing two-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 floodplains 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 man-made 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 environs. 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 plan(s). 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 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 of proposed changes in natural conditions may also be provided.

4.

Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 24-3 through 24-6 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 § 24-4 of this chapter.

(b)

When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site 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 § 24-10.

8.

Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 24-9c1 through § 24-9c6 of this chapter 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.

§ 24-11 MAINTENANCE AND REPAIR.

[Ord. No. 3-07; amended XX-XX-24 by Ord. No. XX-24]

a.

Applicability.

1.

Projects subject to review as in § 24-1c of this chapter shall comply with the requirements of § 24-10b and c.

b.

General maintenance.

1.

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

2.

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

3.

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

4.

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

5.

If the party responsible for maintenance identified under § 24-10b2 above is not a public agency, the maintenance plan and any future revisions based on § 24-10b7 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 Subsection B(3) above 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 Subsections B(6) and B(7) above.

8.

The person responsible for maintenance identified under § 24-10b.2 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.

~~Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting~~

of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>

<<Updated Web Link>>

[Amended X-X-24 by Ord. No. XX-24]

9.

The person responsible for maintenance identified under § 24-10b2 above shall 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 § 24-10b6 and 24-10b7 above.

10.

The requirements of §§ 24-10b3 and 24-10b4 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.

11.

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.

C.

Nothing in this section 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.

§ 24-12 VIOLATIONS AND PENALTIES.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a maximum penalty of a fine of \$250 per calendar day until such violation(s) have been resolved to the satisfaction of the municipality and/or the NJDEP.

§ 24-13 EFFECTIVE DATE.

[Ord. No. x-xx; amended XX-XX-24 by Ord. No. XX-24]

This chapter shall take effect immediately upon the approval by the county review agency, or 60 days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

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

ALL OF WHICH IS ADOPTED THIS _____ day of _____, 20____, by the Mayor of the Borough of Keyport

<<Added adoption date Section>>

[Amended X-X-24 by Ord. No. XX-24]

§ 24-14SEVERABILITY.

[Ord. No. 3-07; amended 03-02-21 by Ord. No. 1-21]

If the provisions of any section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this chapter.

ORDINANCE #2024-15

ORD #2
Public Hearing
& Adoption

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER III (PUBLIC SAFETY), ARTICLE II (FIRE DEPARTMENT), SECTIONS 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2

WHEREAS, the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey, desires to amend Chapter III, Article II, Sections 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2 to incorporate the following amendments.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.

Section 2. Chapter III, Article II, Sections 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2 of the Borough Code shall be amended as follows

[NOTE TO CODIFIER: Additions are underlined and deletions as ~~strikeouts~~]

§ 3-30.1 Creation.

There shall be a Fire Department of the Borough of Keyport which shall have jurisdiction coextensive with the municipal boundaries of the Borough. Commencing in 2025, there shall be a Chief and a Deputy Chief, and any other department positions shall be appointed by the Chief. ~~The Fire Department shall consist of the departmental officers of Chief, First Assistant Chief, Second Assistant Chief, and Third Assistant Chief, which shall constitute the Board of Fire Chiefs. There shall also be a departmental secretary, engineer, and a National Fire Incident Reporting System Coordinator, who shall be appointed by the Board of Fire Chiefs.~~

§ 3-31.1. Chief and ~~Assistant~~ Deputy Chiefs.

In 2025, the Chief shall be appointed by the governing body and the Deputy Chief shall be appointed by the Chief. There will not be an election for any position within the Fire

~~Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The Chief and Assistant Chiefs shall be elected by the members of the Fire Department on the first Wednesday of December of every year. Voting shall be limited to active members of the Fire Department in good standing. The Chief and Assistant Chiefs shall be chosen from among the members of the constituent companies of the Fire Department, but in no case shall the Chief and/or Assistant Chiefs be members of the same company. To be eligible for the Board of Fire Chiefs, the member selected must be a Captain or ex-Captain of/ or in the Department and have served seven years as an active member. No person shall be eligible to assume or maintain the position of Chief or Assistant Chief without Incident Management Level 2 certification or timely satisfaction of any other requirements as may be established by state law or regulation and shall provide copies of the required certifications and requirements to the department secretary before taking office.~~

§ 3-31.2. Rotation of Chief.

~~There shall be no rotation of Chief for 2025, because there will not be an election for any position within the Fire Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The governing body shall appoint a Chief to serve in 2025, and the Chief will appoint a Deputy Chief to serve in 2025. An election shall occur in December 2025 for all executive positions with the Fire Department. The election of Chief shall be in the following rotation in the Fire Department: Hook and Ladder, Raritan Hose, Liberty Hose, Lincoln Hose, Eagle Hose, Fire Patrol (Fire Police), and Engine Company.~~

§ 3-31.3. Manner of election.

~~There will not be an election for any position within the Fire Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The governing body shall appoint a Chief to serve in 2025, and the Chief will appoint a Deputy Chief to serve in 2025. An election shall occur in December 2025 for all executive positions with the Fire Department. Each fire company shall provide a current roster of all members who are eligible to vote and, if applicable, the name of the fire company's candidate for Third Assistant Chief to the Department Secretary by the 1st of November. The Department Secretary shall certify each name on the supplied rosters and prepare a master list of all members who are eligible to vote. The Department Secretary shall also prepare one ballot with the names of the candidates and their respective positions for each name on the master list of all members who are eligible to vote. The election shall be held at a place in the Borough designated by the Board of Chiefs. The polls shall open at 8:00 p.m. and shall close at 9:00 p.m., and shall~~

~~be overseen by the Fire Election Committee. This Committee shall consist of the Fire Commissioner or his designee, all of the ex-Chiefs present, and the Department Secretary. The Committee shall designate one of their members to act as judge of the election and one to act as clerk. The judge of the election shall appoint two tellers. In the absence of sufficient members of the Fire Committee to fill the respective offices of judge of election and clerk, the offices shall be filled for the election by persons elected by the members of the Fire Department then present. In the event of a firematic emergency, call for aid, or other situation where response of the Fire Department is required before or during the election, the Fire Committee shall extend the hours of the polls for a reasonable amount of time as determined by majority vote of the Fire Election Committee so as to allow those members involved in the firematic emergency, call for aid, or other situation where response of the Fire Department is required to attend the election to and cast their votes.~~

§ 3-31.4. Election Results.

There shall not be an announcement of election results for executive positions within the fire department in 2025 because there will not be an election in December 2024; instead, the next election shall occur in December 2025. A statement of the election result shall be signed by the judge and clerk of the election and transmitted to the Borough Clerk, who shall submit it to the Borough Council at the next regular meeting held after the election. The Borough Council shall canvass the returns and certify the result. The person having a plurality of the votes cast for Chief shall be confirmed as Chief by the Borough Council, and the persons having a plurality of the votes cast for First, Second, and Third Assistant Deputy Chiefs, respectively, shall also be confirmed. From the first day of January next ensuing the election, the Chief and First, Second, and Third Assistant Deputy Chiefs shall each hold their respective offices or positions for one year or until the election and confirmation of their successors. In the event of any election resulting in a tie for any offices, a special election shall be held within 10 days between the tying candidates.

§ 3-31.5. Vacancy for Chief and Deputy Chief Assistant Chiefs.

In the event a vacancy shall occur for Chief or Deputy Chief ~~any Assistant Chiefs~~, the fire company of the person so vacating shall have 30 days to a) place an ex-Chief so eligible in rotation for the remainder of the term; b) promote present personnel one step, and fill the lower positions through the next company in rotation at the next regularly scheduled Fire Department meeting; or c) within 30 days following the first 30 days, conduct a special election as set forth above. ~~In the case of a vacancy for Third Assistant Chief, the fire company of the person so vacating shall have the option, exercised within 30 days, of placing an eligible member in the position to serve out that year and to stand for election for Second Assistant Chief at the next ensuing Department election.~~

§ 3-31.6. Temporary Absence.

If, as determined by a majority vote of the Board of Fire Chiefs, a Chief or Deputy Chief Assistant Chief is absent due to illness, injury, or incapacitation, the Board of Fire Chiefs, by majority vote, may select a temporary replacement to serve during the period of the member's absence, not to exceed the remainder of the absent member's term, in accordance with the procedures for filling a vacancy set forth in Subsection 3-31.5 of the Code of the Borough of Keyport.

§ 3-34. CHIEF AND DEPUTY CHIEF ASSISTANT CHIEFS.

§ 3-34.2. Extinguishing fires.

The Chief shall have supreme command of the Fire Department. In all cases of fire within the Borough, he shall take prompt and efficient measures and use the means of the Department to extinguish the fire and protect life and property. At such times, he shall have sole and absolute control and command over all fire apparatus and all persons aiding or assisting the Department in case of actual fire. The Chief and Deputy Chief Assistant Chiefs shall attend fires within the corporate limits of the Borough and are empowered and required to take charge of any building which may be on fire; to admit any persons not firemen to the buildings as they deem necessary to aid in the extinguishment of the fire and preservation of all goods and all endangered property.

§ 3-34.3. Alternate leadership.

In case of the death, disability, or absence of the Chief, his command shall devolve upon and his duties be performed by the First Assistant Deputy Chief, or in case of his death, disability, or absence, by the next senior officer ~~Second Assistant Chief, or in the case of his death, disability or absence by the Third Assistant Chief, if in case of his death, disability, or absence, in case of fire, by the officer or engineer in charge of the first apparatus on the scene, until the arrival of a higher ranking officer, in which case command will devolve to him. With the simultaneous arrival of equal ranking officers, command will devolve to the higher ranking officer on the truck with the lower identification number. In the absence of the Chief, the officer or engineer actually in command shall have the power and authority of the Chief.~~

§ 3-34.4. Fire prevention.

a. The Chief and Deputy Chief Assistant Chiefs are empowered to enter lawfully and examine any building, place, vehicle, or vessel where any explosive, flammable, or hazardous material may be lodged or stored. The Chief or Deputy Chief Assistant Chiefs

may direct the immediate removal of any such material, if such action is deemed advisable. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of such property, and the original shall be filed with the Borough Clerk. Any failure or refusal to comply with any such order shall be punished pursuant to § 1-5, General penalty, of the Code of the Borough of Keyport.

b. It shall be the duty of the Chief or Deputy Chief ~~Assistant Chiefs~~ or their designee to inspect any chimney, flue or pipe or structure reported to him or believed by him to be dangerous and liable to cause destruction by fire. If any such condition is found, the Chief and/or Fire Official shall order it to be cleaned, repaired, renovated or removed by owner or tenant of the premises. The Chief shall inspect any building or premises where he believes any rubbish, debris, papers, rags or any other inflammable, combustible or hazardous material of any kind is kept or permitted to remain in a dangerous condition, position, or manner liable to cause destruction by fire. If any such condition is found, the Chief and/or Fire Official shall order, in writing, that it be remedied within such time as the Chief may specify, taking account of the degree of danger presented by the condition in question, and the amount of time reasonably required to correct such condition. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of the property; and the original of such order shall be filed with the Borough Clerk. Any failure or refusal to comply with such order shall be punished pursuant to § 1-5, General penalty, of the Code of the Borough of Keyport.

§ 3-36.1. Powers and Duties of Lieutenants.

It shall be the duty of the First and Second Lieutenants to aid the Captains of their respective fire companies in the performance of their duties. In case of the absence of the Captain, the First Lieutenant shall act until his return, and in the absence of both the Captain and First Lieutenant, the Second Lieutenant shall act until the return of either of them. Each of the Lieutenants shall be obeyed accordingly. It shall be the duty of the Chief, Deputy Chief ~~Assistant Chiefs~~, every Captain, and every Lieutenant to observe faithfully and to enforce strictly all the provisions of this article. The Captains and Lieutenants shall report all violations to the Chief. No person shall be eligible to assume or maintain the position of Lieutenant without Incident Management Level I certification or the timely satisfaction of any other requirements as may be established by state law or regulation and shall provide copies of the required certifications and requirements to the Department Secretary before taking office.

§ 3-38.2. Additional powers and duties.

Every Fire Police officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire Police immediately upon the alarm of fire to go to the location of the fire and render any assistance that the Chief or Deputy Chief Assistant Chiefs may direct to prevent the hose or other apparatus from being damaged, the work of the firemen from being interfered with, or to protect public and private property. The Fire Police shall keep all persons, except those who are members of the Fire Department or are acting under orders of the Chief or Deputy Chief Assistant Chiefs, far enough away from the place of the fire so that there is preservation of the peace and protection of persons and property. They shall promptly arrest and remove to the Borough Jail all persons, including firemen, who shall act in a riotous or disorderly manner or otherwise are in violation of state or municipal law while at the incident scene. The company of Fire Police shall be subject to the orders of the Chief and Deputy Chief his Assistant Chiefs.

§ 3-41.1. Uniform; badge.

Each member of the Fire Department shall obtain a uniform and a badge of a pattern and design approved by the Fire Department, and the Fire Department shall issue an identification card to be carried by each member. The Chief, Deputy Chief Assistant Chiefs, Captains, and Lieutenants of each fire company shall provide themselves each with suitable badges or emblems of rank, which shall be worn in a conspicuous place when at a fire and going to and returning from it. Each badge shall plainly indicate the office of the wearer.

§ 3-41.3. Major Fire Apparatus.

No fire engine, hook and ladder truck, hose truck or other apparatus shall during any alarm of fire or at any other time under any pretense whatever be taken or removed out of its house unless the Chief, an Deputy Chief Assistant Chief, a Captain, a Lieutenant, a Chief Engineer, or a member of the company is present and consents. Nor shall any engine, hook and ladder truck, hose truck or other apparatus be taken out of the limits of the Borough except with the consent of the Chief or an Deputy Chief Assistant Chief, or the Mayor, and then only if to be taken out of the Borough for parades, repairs, drills or emergencies.

§ 3-43.2. Chief and Deputy Chief Assistant Chiefs.

The Chief and Deputy Chief Assistant Chiefs shall receive no other compensation for their services than provided in Subsection 3-43.1 above; however, the Borough Council may at

any time, by resolution, fix a salary or other compensation to be paid to the Chief and Deputy Chief Assistant Chiefs. The Borough Council may also by resolution fix a salary or other compensation to be paid to the Department Secretary, Department Engineer, and/or NFRS Coordinator.

Section 3. The effective date for this Ordinance shall be December 1, 2024.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with law and shall be in effect for ten (10) years thereafter, unless amended by the Borough Council.

Introduced: November 15, 2024

Public Hearing: November 26, 2024

Adopted:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

RESOLUTION #2024-

**RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF
MONMOUTH, NEW JERSEY AUTHORIZING A MEETING NOT
OPEN TO THE PUBLIC IN ACCORDANCE WITH THE
PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS
ACT, N.J.S.A. 10:4-12.**

WHEREAS, the Borough of Keyport, County of Monmouth (the "Borough"), a public body corporate and politic of the State of New Jersey, is subject to certain requirements of the Open Public Meetings Act, *N.J.S.A. 10:4-6, et seq.* (the "Act"), and

WHEREAS, *N.J.S.A. 10:4-12* provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, pursuant to *N.J.S.A. 10:4-12b(4)* attorney-client privileged matters related to contract negotiations, and pursuant to *N.J.S.A. 10:4-12b(8)* personnel matters.

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

1. The Mayor and Council assembled in public session on November 26, 2024 and determined that an Executive Session closed to the public shall be held on November 26, 2024 at approximately 7:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.

2. This resolution will take effect immediately.

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on November 26, 2024.

Michele Clark, RMC
Borough Clerk