

February 22, 2021
(VIA ZOOM)

The regular meeting of the Town Council of the Town of Newton was held, via Zoom, on the above date at 7:00 pm. Present were Mr. Couce, Mrs. Diglio, Deputy Mayor Schlaffer, Mrs. Teets, Mayor Dickson, and Thomas S. Russo, Jr, Town Manager. Eric Bernstein, Esq., Town Attorney was also present.

Mayor Dickson then made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 4, 2021."

Mr. Bernstein advised this meeting is being conducted via Zoom and has been advertised as required by law.

Mayor Dickson led the Pledge of Allegiance to the flag and the Deputy Municipal Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Deputy Mayor Schlaffer and unanimously carried, the minutes for the February 8, 2021 Regular meeting minutes were approved.

OPEN TO THE PUBLIC

At this time, Mayor Dickson read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Municipal Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded."

There being no one from the public to be heard, Mayor Dickson closed the meeting to the public.

COUNCIL & MANAGER REPORTS

Mayor Dickson – "From February 19 to February 22, 2021 the Sussex County Division of Health reports 107 additional cases of COVID-19 among County residents, with an average of 36 cases daily, for a total number of 9,298 confirmed cases. Of the 9,298 cases, 8,288 cases have been classified as recovered. Sadly, the Sussex County Division of Health reports 2 new deaths for a total of 272 deaths.

Vaccines:

Sussex County has a new notification system now in place. You will no longer need to check the Appointment Plus calendar for openings. You just need to pre-register with Sussex County at <https://www.sussex.nj.us> under the Coronavirus Vaccination section. The e-mail address provided by you will be used by the County when announcing openings.

As a block of openings become available, an e-mail blast will go out to everyone who has signed up. You must respond to the e-mail to schedule a time and date for your vaccination. Appointments will be scheduled in order of the receipt of responses to the e-mail blast. If you do not successfully schedule your appointment when openings occur, your e-mail address will remain in the notification system for the next round of

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openings. Your e-mail address will continue to remain in the system until such time that you are able to schedule a vaccination.

Residents may call the County hotline number at 973-579-9488 for assistance. Atlantic Health is also offering appointment alerts for when vaccines become available at their clinics and that can be done at Atlantichealth.org and clicking on the COVID vaccine section.

The State of NJ site to register for the COVID vaccine is covidvaccine.nj.gov. The State has also set up a hotline that residents call for assistance to the State's system. 855- 568 0545

Shoprite Pharmacy currently has no vaccine supply but encourages checking back. That can be done at vaccine.shoprite.com.

Sussex County has contracted with [Zufall Health Center](#) to conduct weekly COVID-19 testing clinics at no cost to residents. Zufall will be rotating the clinics between three locations in Sussex County:

2/25/2021	Newton VFW, 85 Mill St, Newton	Noon - 4 p.m.
3/4/2021	Sussex County Fairgrounds, 37 Plains Road, Augusta	9 a.m. - 1 p.m.
3/11/2021	5 West Shore Trail, Sparta	10 a.m. - 2 p.m.

Walk-ins are permitted however it is recommended that you set up your appointment at zufallhealth.org. You are not required to have a physician's prescription to participate in the COVID testing. The program is provided for the uninsured and under-insured residents of Sussex County. Zufall has teamed up with LabCorp for processing. LabCorp will bill your health insurance provider. Any amount not covered by your insurance provider will be paid for through Sussex County.

This past Saturday we had our 2021 budget meeting and as I said Saturday, I believe that the budget is a solid one with minimal impact to the taxpayer, important as many are feeling the effects of the pandemic. Thank you to Tom, Monica, all our staff, department heads, professionals and volunteers. Hopefully entities that make up the total tax bill will be able to do the same. Thank you to the public who came out to hear the meeting. Although maybe not that exciting, it's good for the public to be able to see the budget process and understand how their tax dollars are spent.

After the budget meeting I headed over to support G&S Deli in the opening of their new location on Rt. 206 in Andover. G&S has been part of the fabric of Newton for over 38 years, I wish them continued success in both Newton and their new Andover location.

And lastly, I saw today that the Town of Newton was awarded the Safety Program Award at Statewide Insurance Fund's annual reorganization meeting. The award recognizes Fund Members that maintain safety and risk management programs, demonstrate an ongoing effort to improve these practices, and are receptive to the recommendations of the Fund's loss control professionals. So congratulations to Tom and the entire team on this recognition."

Deputy Mayor Schlaffer – nothing to report at this time.

Councilman Couce – attended the budget meeting this past Saturday. He was pleased with the outcome of the budget as well as the budget process. He noted his disappointment with a recent NJH article regarding the lack of internet for local school children in our community. He recently met with a local Cub Scout who was working on his Arrow of Light Award and provided some insight on taxation in New Jersey. A huge thanks to the DPW crew for all their hard work during all the recent snow storms.

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Councilwoman Diglio – On 2/16/2021, Mrs. Diglio attended the Historic Preservation Commission meeting and provided an update on the Dennis Library expansion. On 2/17/2021, she attended the Planning Board and provided their updates. On 2/19/2021, she attended and provided updates on the Sussex County Chamber of Commerce meeting. She thanked the Newton DPW for all their hard work during the recent snow storms. Attended the G&S Deli Grand opening recently opened in the neighboring community and wished them well. She thanked Mr. Russo and his team for the terrific 2021 budget.

Councilwoman Teets – “On 2/17/2021, I attended the Planning Board meeting and I am excited for the potential Dennis Library expansion. The potential conference room / community center is a much-needed commodity in Town. The design, although preliminary, looks like a nice fit for the area.

Thank you to the Newton DPW for doing such a great job on our roads over the past couple of weeks. These guys just can’t catch a break but we certainly appreciate their efforts and to the Newton Fire Department, Newton First Aid Squad and Newton Police Department on always keeping us safe 24/7, especially during these weather conditions.

I would once again like to thank Mr. Russo, Monica, and the entire staff from the Town, Department heads, and the professionals that not only participated in preparing the budget but for participating in the budget briefing this past Saturday. Personally, I know how much work goes into preparing budget and subsequently all the budget documentations and to some, it looks like a bunch of random numbers on papers and it is not very “glamorous” but without it, all the things that happen day to day, that we sometimes take for granted, like the plowing of our roads and responses by our emergency services would not get done. The staff and professionals that provided the details of different line items in the budget were valuable in helping to understand those items.

I would also like to thank Jim, our IT support professional for his help over the past two weeks working out some technical issues for me. He was extremely helpful and I greatly appreciate his help and patience.”

Town Manager Russo – Nothing at this time.

OLD BUSINESS – None.

ORDINANCES –

Mayor Dickson directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE 2021-2

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 258 TITLED “STORMWATER CONTROL” OF THE TOWN OF NEWTON CODE

Purpose Statement: The purpose of this Ordinance is to amend the existing Stormwater Control Ordinance to address the New Jersey Department of Environmental Protection’s adopted amendments to the New Jersey Stormwater Management Rules at N.J.A.C. 7:8; and

WHEREAS, all New Jersey municipalities are required to prepare Stormwater Management Plans and adopt a Stormwater Control Ordinance in order to comply with the New Jersey Stormwater Management Rules at N.J.A.C. 7:8; and

WHEREAS, the New Jersey State Department of Environmental Protection has proposed amendments to the Stormwater Management Rules at N.J.A.C. 7:8, which were adopted on October 25, 2019 with an effective date of March 2, 2020; and

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WHEREAS, the proposed amended Stormwater Management Rules require all New Jersey municipalities to revise their Stormwater Control Ordinance to include the amendments by March 2, 2021; and

WHEREAS, the Town of Newton Engineer has proposed amendments, revisions, and/or supplements to Town Code Chapter 258 entitled, "Stormwater Control" of the Newton Town Code based on the required rule changes; and

WHEREAS, the Mayor and Council of the Town of Newton hereby accept the recommendation of the Newton Town Engineer to adopt amendments, revisions, and supplements to Town Code Chapter 258 entitled, "Stormwater Control" of the Newton Town Code in accordance with the requirements of the within Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that:

SECTION 1. Chapter 258-1 through 258-17 of the existing Town Code is hereby amended, revised, and/or supplemented to delete the existing Town Code Chapter 258, Sections 258-1 through 258-17 by deleting these existing sections and replacing them in their entirety with the following:

§ 258-1. Policy statement.

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

§ 258-2. Purpose.

The purpose of this Chapter is to establish minimum stormwater management requirements and controls for "major development," as defined below in § 258-5.

§ 258-3. Applicability.

- A. This Chapter shall be applicable to the following major developments:
- (1) Non-residential major developments; and,
 - (2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21.
- B. This Chapter shall also be applicable to all major developments that are undertaken by the Town of Newton.

§ 258-4. Compatibility with other permit and ordinance requirements.

Development approvals, issued pursuant to this Chapter, are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable Code, rule, act, or ordinance provision. 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 Code provisions, ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance,

rule or regulation, or other provision of law; the more restrictive provisions or higher standards shall control.

§ 258-5. Definitions.

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

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.

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

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

COUNTY REVIEW AGENCY – An agency designated by the Sussex County Board of County 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 State Department of Environmental Protection.

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

DESIGN ENGINEER – A person who is professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT – The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A. 4:1C-1 et seq.

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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 waterbody or to a particular point along a receiving waterbody.

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

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

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:

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or,
- C. Storing stormwater runoff for reuse.

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

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 the disturbance of one or more acres of land since February 2, 2004. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one (1) or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development", but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

MOTOR VEHICLE – 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 (as defined above) 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 or BMP MANUAL – The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates and/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 § 258-7F of this Chapter 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, political subdivision of this State and any state, interstate and/or Federal agency.

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

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:

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

REGULATED MOTOR VEHICLE SURFACE – Any of the following, alone or in combination:

- A. The total area of motor vehicle surface that is currently receiving water;
- B. 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 PLAN POLICY MAP – Is the geographic application of the State Development and Redevelopment Plan's goals and statewide policies and the official map outlining these goals and policies.

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

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

STORMWATER MANAGEMENT MEASURE – Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

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

STORMWATER MANAGEMENT PLANNING AGENCY – A public body authorized by legislation to prepare stormwater management plans.

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

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

WATERS OF THE STATE – The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND – An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 258-6. Design and performance standards for stormwater management measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
- (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this 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 (WQMP) adopted in accordance with Department rules.

§ 258-7. Stormwater management requirements for major development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 258-17 of this Chapter below.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §§ 258-9, 258-10 and 258-11 of this Chapter below:
- (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 fourteen (14) feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of §§ 258-8, 258-9, 258-10 and 258-11 of this chapter below, 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 §§ 258-7D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm

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

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

Small-Scale Bioretention Basin(a)	80 or 90	Yes	Yes(b) No(c)	2(b) 1(c)
Small-Scale Infiltration Basin(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1

Manufactured Treatment Device(h)	50 or 80	No	No	Dependent upon the device
Sand Filter(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 258-8A of this Chapter below;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a ten (10) foot wide area of native vegetation along at least fifty percent (50%) of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent (2%);
- (f) designed with a slope of equal to or greater than two percent (2%);
- (g) manufactured treatment devices that meet the definition of green infrastructure at § 258-5 of this Chapter above; and/or,
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 258-5 of this Chapter above.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 258-13B of this Chapter below. Alternative stormwater management measures may be used to satisfy the requirements at § 258-8 of this Chapter below only if the measures meet the definition of green infrastructure at § 258-5 of this Chapter above. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 258-8A of this Chapter below are subject to the contributory drainage area limitation specified at § 258-8A of this Chapter below 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 § 258-8A of this Chapter below shall have a contributory drainage area less than or equal to two and one-half (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 § 258-7D of this Chapter above is granted from § 258-8 of this Chapter below.
- 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 (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3rd) the width of the diameter of the orifice or one-third (1/3rd) the width of the weir, with a minimum spacing between bars of one (1) inch and a maximum spacing between bars of six (6) inches. In addition, the design of trash racks must comply with the requirements of § 258-15B of the Chapter below;
 - (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 (RSIS) 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 § 258-15 of this Chapter below; 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 (2.5) inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this Subchapter, provided that 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 § 258-5 of this Chapter above may be used only under the circumstances described at § 258-8C of this Chapter below.
- K. Any application for a new agricultural development that meets the definition of major development at § 258-5 of this Chapter above shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below 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 (1) drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §§ 258-9, 258-10 and 258-11 of this Chapter below 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 Sussex County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §§ 258-8, 258-9, 258-10 and 258-11 of this Chapter below 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 § 258-17B(5) of this Chapter below. 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 one hundred and eighty (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 §§ 258-7, 258-8, 258-9, 258-10 and 258-11 of this Chapter 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 Sussex County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 258-7M 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 § 258-7M above.

§ 258-8. Green infrastructure standards.

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

- A. To satisfy the groundwater recharge and stormwater runoff quality standards at §§ 258-9 and 258-10 of this Chapter below, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 258-7F of this Chapter above and/or an alternative stormwater management measure approved in accordance with § 258-7G of this Chapter above. 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>

Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- B. To satisfy the stormwater runoff quantity standards at § 258-11 of this Chapter below, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 258-7G of this Chapter above.
- C. If a variance in accordance with [N.J.A.C. 7:8-4.6](#) or a waiver from strict compliance in accordance with § 258-7D of this Chapter above 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 § 258-7G of this Chapter above may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §§ 258-9, 258-10 and 258-11 of this Chapter below.
- D. 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 §§ 258-9, 258-10 and 258-11 of this Chapter below, unless the project is granted a waiver from strict compliance in accordance with § 258-7D of this Chapter above.

§ 258.9. Groundwater recharge standards.

This section contains the minimum design and performance standards for groundwater recharge as follows:

- A. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 258-12 of this Chapter below, either:
- (1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred percent (100%) of the average annual pre-construction groundwater recharge volume for the site; or,
 - (2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two (2) year storm is infiltrated.
- B. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to § 258-9C below.
- C. The following types of stormwater shall not be recharged:
- (1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental

Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and,

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

§ 258-10. Stormwater runoff quality standards.

This section 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 (1/4) acre or more of regulated motor vehicle surface.

- A. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (1) Eighty percent (80%) TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (2) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- B. 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 A 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.
- C. The water quality design storm is one and one-quarter (1.25) inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4 below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

- D. 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; and,
B = the TSS Percent Removal Rate applicable to the second BMP.

- E. 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 §§ 258-9, 258-10 and 258-11 of this Chapter.

- F. 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.
- G. The Flood Hazard Area Control Act Rules, at N.J.A.C. 7:13-4.1(c)1, establish three hundred (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 three hundred (300) foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- H. 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 three hundred (300) foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by ninety-five percent (95%) of the anticipated load from the developed site, expressed as an annual average.
- I. 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.

§ 258-11. Stormwater runoff quantity standards.

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

- A. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 258-12 of this Chapter below, complete one of the following:
 - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two (2), ten (10), and one hundred (100) year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two (2), ten (10) and one hundred (100) year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (3) Design stormwater management measures so that the post-construction peak runoff rates for the two (2), ten (10) and one hundred (100) year storm events are fifty percent (50%), seventy-five percent (75%) and eighty percent (80%), respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or,
 - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with § 258-11A(1), (2), and (3) 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

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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.

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

§ 258-12. Calculation of stormwater runoff and groundwater recharge.

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

- (1) The design engineer shall calculate runoff using one of the following methods:

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

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

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

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

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

- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 258-12A(1)(a) above and the Rational and Modified Rational Methods at § 258-12A(1)(b) above. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one (1) land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use

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type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

The New Jersey Geological Survey Report GSR-32, *A Method for Evaluating Groundwater-Recharge Areas in New Jersey*, is incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420
Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 258-13. Sources for technical guidance.

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

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

- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
- (2) Additional maintenance guidance is available on the Department's website at:

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

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

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

§ 258-14. Solids and floatable materials control standards.

A. Site design features identified under § 258-7F of this Chapter above, or alternative designs in accordance with § 258-7G of this Chapter above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials

through storm drain inlets. For purposes of this Section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see § 258-14A(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 one-half (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 (2) 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 § 258-14A(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 one-half (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

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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.

§ 258-15. Safety standards for stormwater management basins.

This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

- A. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 258-15B(1), B(2) and B(3) below for trash racks, overflow grates, and escape provisions at outlet structures.
- B. Requirements for trash racks, overflow grates, and escape provisions.
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six (6.0) 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 two and one-half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and,
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
 - (b) The overflow grate spacing shall be no less than two (2.0) inches across the smallest dimension; and,
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
 - (3) Stormwater management BMPs shall include escape provisions as follows:
 - (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape

provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 258-15B herein, a free-standing outlet structure may be exempted from this requirement;

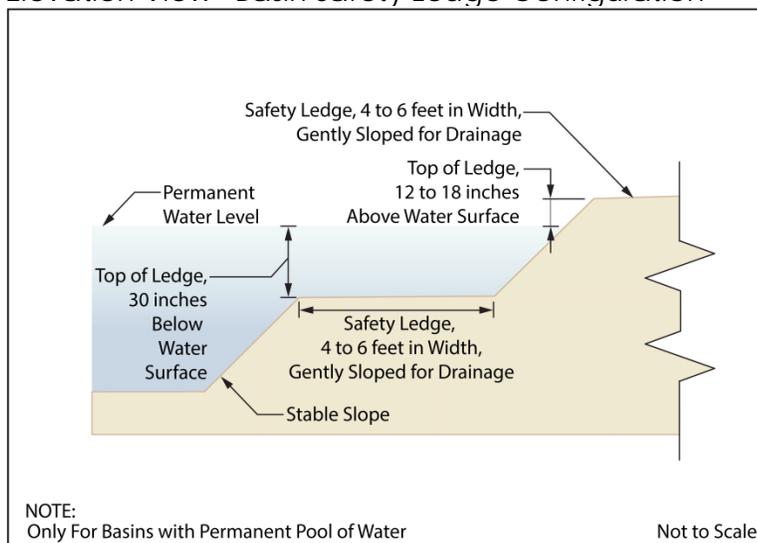
- (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half (2.5) feet. Safety ledges shall be comprised of two (2) steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2.5) feet below the permanent water surface, and the second (2nd) step shall be located one (1) to one and one-half (1.5) feet above the permanent water surface. See § 258-15D below for an illustration of safety ledges in a stormwater management BMP; and,
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical.

C. Variance or exemption from safety standard.

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

D. Safety ledge illustration.

Elevation View –Basin Safety Ledge Configuration



§ 258-16. Requirements for a site development stormwater plan.

- A. Submission of Site Development Stormwater Plan
 - (1) Whenever an applicant seeks municipal approval of a development subject to this Chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 258-16C below as part of the submission of the application for approval.
 - (2) The applicant shall demonstrate that the project meets the standards set forth in this Chapter.
 - (3) The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with § 258-16C below.
- B. Site development stormwater plan approval. The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought.

That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this Chapter.

C. Submission of site development stormwater plan.

The following information shall be required:

- (1) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing two (2) foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
- (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways, and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project description and site plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 258-6 through 258-12 of this Chapter above 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 and show:
 - (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 §§ 258-7 through 258-11 of this Chapter above.
 - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 258-17 of this Chapter below.
- (8) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 258-16C(1) through (6) above 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.

§ 258-17. Maintenance and repair.

- A. Applicability. Projects subject to review as in § 258-3 of this Chapter above shall comply with the requirements of § 258-17B and C below.
- 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

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the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance that is required.

- (5) If the party responsible for maintenance identified under § 258-17(3) above is not a public agency, the maintenance plan and any future revisions based on § 258-17B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation, and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under § 258-17B(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 § 258-17B(6) and § 258-17B(7) above.
- (8) The requirements of § 258-17B(3) and § 258-17B(4) above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

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

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

SECTION 2. SEVERABILITY.

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

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SECTION 3. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 4. EFFECTIVE DATE.

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 _____.

Attest:

____s/Lorraine A. Read_____
LORRAINE A. READ, RMC
MUNICIPAL CLERK

____s/Matthew S. Dickson_____
MATTHEW S. DICKSON, MAYOR

Mayor Dickson opened the meeting to the public.

There being no one from the public to be heard, upon motion of Deputy Mayor Schlaffer, seconded by Mrs. Diglio and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE**, was offered by Deputy Mayor Schlaffer, who moved its adoption, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Deputy Mayor Schlaffer	Yes	Mrs. Teets	Yes
	Mayor Dickson	Yes	

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Dickson directed the Clerk to read aloud the following Ordinance relative to introduction.

ORDINANCE 2021-3

AN ORDINANCE TO EXCEED THE 2021 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

The aforementioned **ORDINANCE** was offered by Deputy Mayor Schlaffer, who moved its introduction, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Deputy Mayor Schlaffer	Yes	Mrs. Teets	Yes
	Mayor Dickson	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, March 8, 2021.

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Mayor Dickson directed the Clerk to read aloud the following Ordinance relative to introduction.

ORDINANCE 2021-4

ORDINANCE AMENDING CHAPTER 228 OF THE ORDINANCES OF THE TOWN OF NEWTON TITLED "WATER AND SEWER," MORE SPECIFICALLY ADDING ARTICLE IX, "LIMITS ON PROHIBITED DISCHARGES FROM INDUSTRIAL USERS"

The aforementioned **ORDINANCE** was offered by Deputy Mayor Schlaffer, who moved its introduction, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Deputy Mayor Schlaffer	Yes	Mrs. Teets	Yes
Mayor Dickson		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, March 8, 2021.

OLD BUSINESS – None.

CONSENT AGENDA

Mayor Dickson read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mr. Russo reviewed the consent agenda items.

RESOLUTION #73-2021*

APPROVAL OF QUALITY FACILITY SOLUTIONS FOR BID 1-2021 CLEANING SERVICES

WHEREAS, there is a need for cleaning services at the Town of Newton facilities through the tenets contained within Bid 1-2021; and

WHEREAS, the Town of Newton publicly advertised and received bids for cleaning services on February 3, 2021 at 9:00am; and

WHEREAS, the lowest bidder, ACB Services Inc., 37 Schoolhouse Road, Cream Ridge, New Jersey, 08514 was rejected due to mandatory fatal defects in the bid response; and

WHEREAS, Quality Facility Solutions, 75 Taaffe Pl., Brooklyn, NY 11205 has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document to wit:

	ACB Services, Inc.	Quality Facility Solutions	Chelbus Cleaning, Inc.	Executive Corporate Cleaning Services Inc. &	Maintenance Mart, Inc.
BIDDER					
BASE BID					
Year 1	\$19,552.00	\$23,585.69	\$37,402.00	\$33,742.00	\$42,105.00
Year 2	\$19,552.00	\$24,997.25	\$37,402.00	\$33,742.00	\$42,105.00
OPTION #1					
Year 1	\$5,865.00	\$3,485.92	\$3,660.00	\$9,787.00	\$5,112.00
Year 2	\$5,865.00	\$3,647.24	\$3,660.00	\$8,787.00	\$5,112.00
OPTION #2					
Year 1	\$1,495.00	\$6,172.84	\$1,415.00	\$2,288.00	\$5,112.00
Year 2	\$1,495.00	\$6,647.67	\$1,415.00	\$2,288.00	\$1,110.00
TOTAL	\$53,824.00	\$68,536.61	\$84,954.00	\$90,634.00	\$100,656.00

WHEREAS, it is the recommendation to award Quality Facility Solutions a two (2) year contract award commencing April 1, 2021 for:

1. Base Bid
 - a. Year 1\$23,585.69
 - b. Year 2\$24,997.25
2. Option #1 only
 - a. Year 1 \$3,485.92
 - b. Year 2 \$3,647.24
3. In a total amount of:
 - a. Year 1 \$27,071.61
 - b. Year 2 \$28,644.49

WHEREAS subject to the future approval of budgets by the Governing Body of the Town of Newton, the Chief Financial Officer certifies funds are available in the amount of:

2021: \$20,303.71
 2022: \$28,251.27
 2023: \$7,161.12

From line item: Building & Grounds OE - Contractual - #1061217

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, in the County of Sussex as follows:

Quality Facility Solutions a two (2) year contract award commencing April 1, 2021 for.

1. Base Bid
 - a. Year 1\$23,585.69
 - b. Year 2\$24,997.25

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- 2. Option #1 only
 - a. Year 1 \$3,485.92
 - b. Year 2 \$3,647.24

- 3. In a total amount of:
 - a. Year 1 \$27,071.61
 - b. Year 2 \$28,644.49

RESOLUTION #74-2021*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2020 and 2021 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

Check#	Vendor	Description	Check Total
3165	2799	- AFLAC PO 58656 January 2021- Vol Ben - Disability, Hosp 2,111.98	2,111.98
3166	3869	- AMERICAN FIDELITY ASSURANCE PO 58645 AFA - January 2021 - Vol Benefits - LTD 659.56	659.56
3167	3868	- AMERICAN FIDELITY ASSURANCE COMPANY PO 58653 FSA - Voluntary - January 2021 546.66	546.66
3168	2757	- ATLANTIC TACTICAL INC. PO 57921 AMMO/TARGETS 165.51	
PO 58348		FRONT RIFLE PLATE 1,626.80	1,792.31
3169	1132	- BOONTON TIRE SUPPLY INC. PO 58452 B: POLICE VEHICLE MAINT 2,351.16	2,351.16
3170	702	- C W A LOCAL 1032 PO 58661 Police Dispatch Dues - Jan 2021 273.98	273.98
3171	163	- CENTURYLINK COMMUNICATIONS, INC. PO 58679 WOODSIDE AVE PS A/C #31 42.25	42.25
3172	163	- CENTURYLINK COMMUNICATIONS, INC. PO 58680 LONG DISTANCE 199.34	199.34
3173	163	- CENTURYLINK COMMUNICATIONS, INC. PO 58681 HIGH STREET TOWER/HOSPITAL ALARM CIRCUIT 125.85	125.85
3174	2843	- CHELBUS CLEANING CO., INC. PO 58451 B: CLEANING TOWN BLDGS (JAN-FEB) 2,899.00	2,899.00
3175	4147	- CONVERGENT TECHNOLOGIES, LLC. PO 58668 MAINT SECURITY SYS CUST ID #NEWTON # 22,276.00	22,276.00
3176	768	- DEMPSEY UNIFORM & SUPPLY INC PO 58687 DPW/ WS Uniforms, Mats/ Supplies 1/2021- 137.68	
PO 58687		DPW/ WS Uniforms, Mats/ Supplies 1/2021- 1,248.44	1,386.12
3177	2386	- DOMINICK'S PIZZA LLC PO 58672 Super Bowl Lunch - 02-05-2021 145.00	145.00
3178	4077	- ELECTRONIC SYSTEMS SOLUTIONS INC. PO 58596 CONSOLE MAINT AGMT ACCT #3094 4,275.00	
PO 58597		2021 MAINT. Cencom Radio Eq ACCT #3094 3,624.00	7,899.00
3179	106	- ELIZABETHTOWN GAS PO 58440 B: NATURAL GAS DELIVERY (JAN-MAR) 871.35	
PO 58440		B: NATURAL GAS DELIVERY (JAN-MAR) 166.09	1,037.44
3180	225	- FEDERAL EXPRESS PO 58541 B: EXPRESS MAIL 369.34	369.34
3181	2852	- FERRIERO ENGINEERING INC. PO 58629 MARTORANA - JAN ESCROW 235.50	235.50
3182	2674	- GRAMCO BUSINESS COMMUNICATIONS INC. PO 58665 RECORDING SYSTEM COURT ROOM2/28/21 - 2/2 1,045.00	1,045.00
3183	230	- HAYEK'S MARKET INC. PO 58673 Super Bowl Lunch - 02-05-2021 144.60	144.60
3184	4337	- HFE SERVICES LLC PO 58528 B: ONLINE BACKUPS 276.00	276.00
3185	1345	- IACP - MEMBERSHIP PO 58568 2021 MEMBERSHIP - CHIEF OF POLICE 190.00	190.00
3186	3235	- J. CALDWELL & ASSOCIATES, LLC. PO 58579 FARM POINTE HOUSTON-NOV 2020 65.00	65.00
3187	113	- JCP&L PO 58683 STREET LIGHTS 6,464.78	
PO 58684		ELECTRIC - JAN 5,456.27	
PO 58685		FIRE DEPT 26.75	
PO 58686		MORAN ST/FIRE #2 - JAN 18.88	11,966.68
3188	4132	- JET VAC EQUIPMENT, LLC PO 58067 ROVING CAMERA VIDEOING SEWER SYSTEM 109,891.55	109,891.55
3189	3778	- JP MONZO MUNIC CONSULTING, LLC PO 58651 Budget Webinar March 11, 2021 M.Miebach 50.00	50.00
3190	2532	- LADDEY, CLARK & RYAN, LLP PO 58448 B: PROSECUTOR (\$31,000/12=\$2,583.33 Gree 2,874.99	2,874.99
3191	4227	- LAW OFFICE OF DANIEL P. AGATINO, LLC. PO 58411 B: PUBLIC DEFENDER (13,500/12=\$1,125 1,125.00	
PO 58411		B: PUBLIC DEFENDER (13,500/12=\$1,125 208.33	1,333.33
3192	1566	- MAIN POOL & CHEMICAL COMPANY, INC. PO 58488 B: LIQUID SODIUM HYPOCHLORITE/CHLORINE 973.50	973.50
3193	932	- MAJOR POLICE SUPPLY PO 58159 SEAT COVER #newton pd 355.30	355.30
3194	65	- MUNICIPAL SOFTWARE, INC. PO 58678 RECEIPTOR REPAIR 150.00	150.00
3195	4291	- MUTUALINK, INC PO 58370 MUTUAL LINK SYSTEM FOR NEWTON EMERGENCY 14,828.63	14,828.63
3196	1638	- NEW JERSEY WATER ASSOCIATION PO 58636 2021 DUES/4000CONNECTIONS 500.00	500.00
3197	170	- NEWTON BOARD OF EDUCATION PO 58549 SCHOOL TAX (JAN-JUNE) 2021 - 1,110,506.00	1,110,506.00
3198	700	- NEWTON PATROLMANS ASSOCIATION PO 58648 PBA DUES - JAN 2021 720.00	720.00
3199	3979	- NEWTON PIZZA PO 58631 Public Relations - Food 222.63	222.63
3200	1745	- NEWTON SUPERIOR OFFICERS PO 58647 SOA DUES - JAN 2021 420.00	420.00
3201	2835	- NJMEBF PO 58655 MEDICAL/DENTAL - FEB 31,300.00	
PO 58655		MEDICAL/DENTAL - FEB 22,425.28	
PO 58655		MEDICAL/DENTAL - FEB 109,936.72	163,662.00
3202	4350	- NW FINANCIAL GROUP LLC PO 58675 Financial Advisory Services - December 2 1,577.50	1,577.50
3203	2882	- ONE CALL CONCEPTS, INC. PO 58516 B: ONE CALL MESSAGES 68.27	68.27
3204	4383	- OPTIMUM PO 58409 B: DIGITAL CONVERTERS & DTA'S 95.50	95.50
3205	1407	- PASSAIC VALLEY SEWERAGE COMM. PO 58485 B: SLUDGE DISPOSAL acct #12701 4,061.40	4,061.40
3206	64	- PELLOW, HAROLD & ASSO, INC. PO 57819 On-Street Overnight Parking Study 2,034.00	
PO 58578		FARMSTORES-NOV 2020 325.00	
PO 58581		WEIS-NOV 2020 32.50	2,391.50
3207	2788	- PENTELEDATA PO 58682 INTERNET 669.75	
PO 58682		INTERNET 399.85	1,069.60
3208	4204	- PLANET NETWORKS INC. PO 58412 B: POLICE INTERNET/WEB HOSTING/FIREWALL 1,359.72	
PO 58449		B: INTERNET TH 159.95	1,519.67
3209	2121	- POSTER COMPLIANCE CENTER PO 58553 2021 Labor Law Poster Plan 169.88	
PO 58553		2021 Labor Law Poster Plan 169.87	339.75
3210	39	- QUILL CORPORATION PO 58529 B: POLICE OFFICE SUPPLIES 93.28	
PO 58543		TAX OFFICE SUPPLIES 87.27	
PO 58543		TAX OFFICE SUPPLIES 24.99	205.54
3211	4034	- R & J CONTROL INC. PO 56470 B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO 991.25	
PO 56470		B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO 1,158.75	
PO 57407		Replace Battery/DPW/NFD cust #8383 398.62	
PO 58676		B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO 991.25	3,539.87
3212	4034	- R & J CONTROL INC. PO 58676 B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO 1,158.75	1,158.75
3213	2478	- RACHLES/MICHELE'S OIL COMPANY, INC. PO 58430 B: GAS 2,503.60	2,503.60

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3214 4203 - **RAPID PUMP** PO 56497 B: Water Utility Qtrly Service Inspectio 4,800.00
PO 56498 B: Sewer Utility Qtrly Service Inspectio 7,680.00 **12,480.00**
3215 3731 - **READY REFRESH BY NESTLE** PO 58481 B: WATER DELV 95.27 **95.27**
3216 4207 - **RIMAGE CORPORATION** PO 58074 RIBBON FOR BODY WORN CAMERA DVD PRINTER 67.94 **67.94**
3217 4152 - **RUSSELL REID WASTE & DISPOSAL, INC.** PO 58483 B: SLUDGE REMOVAL CUST #74732 6,071.93 **6,071.93**
3218 1755 - **S/NJ TOXICOLOGY LABORATORY** PO 58565 PD RANDOM TESTING 135.00 **135.00**
3219 3993 - **SLOAN, JAMES P.** PO 58413 B: 2021 JUDGE (\$37,143/12=\$3,095.25 GREE 3,511.92 **3,511.92**
3220 1489 - **SMALLEY, JOHN H** PO 58447 B: 2021 SVC'S WTP (\$17,250/12=\$1,437.50 1,437.50 **1,437.50**
3221 2312 - **SPECTRUM COMMUNICATIONS, INC.** PO 57905 PAGERS 1,812.00 **1,812.00**
3222 1212 - **STATEWIDE INSURANCE FUND** PO 58689 Statewide 1 of 4 Installments 51,478.24
PO 58689 Statewide 1 of 4 Installments 57,413.01 **108,891.25**
3223 4144 - **SUBURBAN CONSULTING ENGINEERS, INC.** PO 57585 ENGINEERING SERVICES BABE RUTH DRAINAGE 6,768.58 **6,768.58**
3224 2479 - **TAYLOR OIL CO., INC.** PO 58431 B: DIESEL 2,093.89 **2,093.89**
3225 4278 - **TEXAS LIFE INSURANCE COMPANY** PO 58652 January 2021 - Life Insurance 35.45 **35.45**
3226 3851 - **THE CANNING GROUP, LLC.** PO 58405 B: QPA PURCHASING 2021 (\$6,500/12=\$541.6 541.66 **541.66**
3227 676 - **THE EQUITABLE** PO 58632 Equitable - Def Comp - Jan 2021 & Februa 18,535.00 **18,535.00**
3228 4012 - **THE RODGERS GROUP, LLC** PO 58640 PD ONLINE TRAINING MODULE 1,083.00 **1,083.00**
3229 691 - **TRANS WORLD ASSURANCE CO.** PO 58657 TWA - Voluntary Life - JAN 2021 1,266.00 **1,266.00**
3230 2781 - **TRIMBOLI & PRUSINOWSKI, LLC.** PO 56374 B: LABOR ATTORNEY 680.00 **680.00**
3231 1257 - **UNUM LIFE/DISABILITY INSUR** PO 58654 UNUM - Voluntary - LTD - JANUARY 2021 760.14 **760.14**
3232 2716 - **UPSEU LOCAL 424J** PO 58660 DPW - Monthly Dues - Jan 2021 672.00 **672.00**
3233 1280 - **VERIZON WIRELESS, INC.** PO 58693 CELL PHONES & TABLETS - JAN 156.25
PO 58693 CELL PHONES & TABLETS - JAN 1,524.21 **1,680.46**
3234 1158 - **VISION SERVICE PLAN** PO 58646 VISION - JAN / FEB 2021 2,334.33 **2,334.33**
3235 1819 - **VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,** PO 58569 NEWTON COMMONS DEC 2020 ESCROWS 15.00
PO 58570 ENNIS/MCCABE-DE 2020 ESCROW 15.00
PO 58571 BEYOND THE WALK-DEC 2020 ESCROW 15.00
PO 58572 AHS HOSPITAL CORP-DEC 2020 ESCROW 300.00
PO 58573 WATER ST HOLDING-DEC 2020 ESCROW 15.00
PO 58574 ALFRED STEWARD-DEC 2020 ESCROW 120.00
PO 58575 MARTORANA-DEC 2020 ESCROW 495.00
PO 58576 QUANTUM REALM-PUNCTUATED EQUIL-DEC 2020 225.00 **1,200.00**
3236 1819 - **VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,** PO 58577 FARM POINTE HOUSTON-DEC 2020 ESCROW 135.00
PO 58580 FARM POINTE HOUSTON-NOV 2020 690.00
PO 58582 WEIS-DEC 2020 30.00
PO 58584 PB CONSULT-DEC 2020 720.00 **1,575.00**
3237 2635 - **W.B. MASON, INC.** PO 58362 Year End Battery BAckup Tape 107.24 **107.24**
3238 4390 - **WANTAGE TOWNSHIP** PO 58641 Animal Control 2/1/210-12/31/21 Contract 1,487.54 **1,487.54**
3239 4376 - **WASAK INC.** PO 58364 PURCHASE OF PUMPS DUE TO MALFUNCTION AT 4,512.00 **4,512.00**
3240 3035 - **WHENTOWORK INC** PO 58598 SCHEDULING SYSTEM ANNUAL RENEWAL SUB #60 315.00 **315.00**

TOTAL **\$1,663,206.75**

100137 INTERFUND RECEIVABLE - PARK AUTHORITY 38.01
101265 DUE NEWTON BOE - SCHOOL TAX PAYABLE 1,110,506.00
101299 Due to Clearing 0.00 1,368,021.84
1050200 TOWN MANAGER'S OFFICE - OTHER EXPENSES 445.87
1051200 TOWN CLERK'S OFFICE - OTHER EXPENSES 369.34
1053200 HUMAN RESOURCE - OTHER EXPENSES 289.60
1054200 FINANCE ADMINISTRATION - OTHER EXPENSES 80.99
1056200 COLLECTION OF TAXES - OTHER EXPENSES 56.28
1056200A (2020) COLLECTION OF TAXES - OTHER EXPENSES 107.24
1058200 LEGAL SERVICES - OTHER EXPENSES 2,583.33
1058200A (2020) LEGAL SERVICES - OTHER EXPENSES 680.00
1059200 MUNICIPAL COURT - OTHER EXPENSES 3,095.25
1060200A (2020) ENGINEERING - OTHER EXPENSES 2,034.00
1061200 BUILDINGS & GROUNDS - OTHER EXPENSES 5,946.19
1061200A (2020) BUILDINGS & GROUNDS - OTHER EXPENSES 1,141.87
1062200A (2020) PLANNING BOARD - OTHER EXPENSES 720.00
1066200 EMPLOYEE GROUP INSURANCE - OTHER EXPENSE 112,271.05
1067200 WORKMEN'S COMP INSURANCE - OTHER EXPENSE 39,149.65
1069200 OTHER INSURANCE PREMIUMS - OTHER EXPENSE 12,328.59
1070200A (2020) FIRE DEPARTMENT - OTHER EXPENSES 1,812.00
1074200 POLICE DEPARTMENT - OTHER EXPENSES 1,331.61
1074200A (2020) POLICE DEPARTMENT - OTHER EXPENSES 723.75
1074300 COMMUNICATIONS CENTER - OTHER EXPENSES 31,943.00
1080200 ROAD REPAIR & MAINT - OTHER EXPENSES 522.16
1083300 VEHICLE MAINTENANCE - OTHER EXPENSES 2,351.16
1089200 UTILITY EXP/BULK PURCH - OTHER EXPENSES 20,172.11
1094575A (2020) STATE OF EMERGENCY - CORONAVIRUS 14,828.63
1094798 INTERLOCAL - GREEN TWP COURT 916.66
1095200A (2020) CAPITAL IMPROVEMENTS - OTHER EXPENSES 1,577.50

TOTALS FOR CURRENT FUND **233,852.84 23,624.99 1,110,544.01 1,368,021.84**

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111200 APPROPRIATED RESERVES FOR GRANTS 1,626.80
111299 Due to Clearing 0.00 1,626.80

TOTALS FOR FEDERAL/STATE GRANTS **0.00 0.00 1,626.80 1,626.80**

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211200 RESERVE FOR ANIMAL CONTROL 1,487.54
211299 DUE TO CLEARING 0.00 1,487.54

TOTALS FOR DOG RESERVE **0.00 0.00 1,487.54 1,487.54**

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301299 Due to Clearing 0.00 6,768.58
3091978 ORD 2020-10 MEMORY PARK (BABE R FIELD) 6,768.58

TOTALS FOR CAPITAL **6,768.58 0.00 0.00 6,768.58**

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601299 DUE TO CLEARING 0.00 233,037.94
6051200 W&S OPERATING - TOTAL OTHER EXPENSES 104,995.64
6051200A (2020) W&S OPERATING - TOTAL OTHER EXPENSES 18,150.75
6089334A (2020) W&S CAP IMPROVE - MORRIS LAKE FENCE 9,891.55
6089350A (2020) W&S CAP IMPROVE - INSPECTION CAMERA 100,000.00

TOTALS FOR WATER/SEWER UTILITY **104,995.64 128,042.30 0.00 233,037.94**

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711218 RESERVE FOR MUNIC PUBLIC DEFENDER 1,125.00
711299 DUE TO CLEARING 0.00 2,805.00
711440 ENGINEER REVIEW FEES 1,680.00

TOTALS FOR TRUST **0.00 0.00 2,805.00 2,805.00**

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February 22, 2021
(VIA ZOOM)

721299 DUE TO CLEARING 0.00 1,033.00
 721314 RESERVE FOR MARTORANA (4/12)GrandeVillag 730.50
 721359 WATER ST HOLDING (10/19) 15.00
 721362 WEISS #143 62.50
 721365 QUANTUM REALM,PUNC EQ (12/20) 225.00

TOTALS FOR DEVELOPERS ESCROW (Fund 72) 0.00 0.00 1,033.00 1,033.00

811241 UNION DUES - PBA 1,140.00
 811242 UNION DUES - IUE #911 672.00
 811243 UNION DUES - CWA #1032 273.98
 811261 DEFERRED COMP - EQUITABLE 18,535.00
 811272 TWA SAVINGS PLAN 1,266.00
 811275 AFA LTD 303.72
 811276 AFA Med FSA 246.66
 811277 AFA Critical Illness 39.84
 811278 AFA Life Ins. 316.00
 811279 AFA Texas Life 35.45
 811280 AFA - DEPENDENT CARE FSA 300.00
 811282 UNUM DISABILITY INS. 760.14
 811284 HEALTH INS. EMPLOYEE 22,425.28
 811287 AFLAC DISABILITY Post Tax 1,170.60
 811288 AFLAC ACCIDENT Pre Tax 653.08
 811289 AFLAC HOSPITAL Pre Tax 155.00
 811290 AFLAC CANCER Pre Tax 133.30
 811299 Due to Clearing 0.00 48,426.05

TOTALS FOR PAYROLL 0.00 0.00 48,426.05 48,426.05

Total to be paid from Fund 10 CURRENT FUND 1,368,021.84
 Total to be paid from Fund 11 FEDERAL/STATE GRANTS 1,626.80
 Total to be paid from Fund 21 DOG RESERVE 1,487.54
 Total to be paid from Fund 30 CAPITAL 6,768.58
 Total to be paid from Fund 60 WATER/SEWER UTILITY 233,037.94
 Total to be paid from Fund 71 TRUST 2,805.00
 Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72) 1,033.00
 Total to be paid from Fund 81 PAYROLL 48,426.05

 1,663,206.75

218106 ADP, LLC NJ FLA 234,830.31 2/17/2021
 211015 PAYROLL ACCOUNT Gross Payroll 234,358.37 2/17/2021
 216006 PAYROLL ACCOUNT Water Sewer Cash 41,294.18 2/17/2021
 217106 PAYROLL ACCOUNT Trust Cash 2,478.00 2/17/2021
 211106 PAYROLL ACCOUNT Grant Cash 650.68 2/17/2021
 211014 US BANK OPER.CTR/TRUST MGMT add'l inte mica 2011 go bonds \$2,7 29.35 2/16/2021
 211013 JP MORGAN CHASE BANK Interest payment due, 2016 Go Bond 44,523.75 2/16/2021

 558,164.64

Totals by fund Previous Checks/Voids Current Payments Total

 Fund 10 CURRENT FUND 278,911.47 1,368,021.84 **1,646,933.31**
 Fund 11 FEDERAL/STATE GRANTS 650.68 1,626.80 **2,277.48**
 Fund 21 DOG RESERVE 1,487.54 **1,487.54**
 Fund 30 CAPITAL 6,768.58 **6,768.58**
 Fund 60 WATER/SEWER UTILITY 41,294.18 233,037.94 **274,332.12**
 Fund 71 TRUST 2,478.00 2,805.00 **5,283.00**
 Fund 72 DEVELOPERS ESCROW (Fund 72) 1,033.00 **1,033.00**
 Fund 81 PAYROLL 234,830.31 48,426.05 **283,256.36**

BILLS LIST TOTALS 558,164.64 1,663,206.75 2,221,371.39

Councilman Couce had a question regarding the cleaning bid which will be addressed by Mr. Russo via email.

A motion was made by Mrs. Diglio to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Deputy Mayor Schlaffer and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Deputy Mayor Schlaffer	Yes	Mrs. Teets	Yes
Mayor Dickson		Yes	

DISCUSSION - None.

OPEN TO THE PUBLIC

Mayor Dickson opened the meeting to the public.

Ludmilla Mecaj, 9 Madison Street, questioned the cleaning bid for the Town of Newton. She asked if the Council could hold the budget meeting on a different day in order for more people to attend.

February 22, 2021
(VIA ZOOM)

Mr. Russo noted the cleaning bid for the Town of Newton is an out-sourced service. He also advised the budget hearing has been scheduled on Saturdays since his arrival 13 years ago and is always properly advertised accordingly as well as posted on the website.

Councilman Couce also noted the municipal staff is required to be at the budget hearings and feels the Saturday budget hearing works best for staff.

There being no one else from the public to be heard, Mayor Dickson closed the meeting to the public.

COUNCIL & MANAGER COMMENTS

There were no additional comments at this time.

EXECUTIVE SESSION –

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Schlaffer and unanimously carried, Council entered Executive Session at 7:31pm.

Upon motion of Mrs. Diglio seconded by Mrs. Teets and unanimously carried, Council left Executive Session at 8:02 pm.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Deputy Mayor Schlaffer and unanimously carried, the regular meeting was adjourned at 8:04 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk