

**BOROUGH COUNCIL AGENDA
REGULAR MEETING OCTOBER 28, 2024
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Discussion

Best Practices Inventory 2024

Public Comment

Borough Council Meeting Minutes

Approval of Borough Council Meeting Minutes of September 9, 2024

Communications Consent Agenda – Items A – F

- A. Receive and Accept Library Board Meeting Minutes of September 10, 2024
- B. Receive and Accept Parking Authority Meeting Minutes of September 17, 2024
- C. Receive and Approve Block Party-Street Closing for Carson Avenue, November 2, 2024
- D. Receive and Approve Block Party-Street Closing for Carson Avenue, December 7, 2024
- E. Receive and Approve Block Party-Street Closing for Hanson Avenue, October 31, 2024
- F. Receive and Approve Block Party-Street Closing for Milton Street, November 10, 2024

Ordinances – Public Hearing

- Ord. 2024-21 ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN REPEALING AND REPLACING ARTICLE 42, ENTITLED “SURFACE WATER RUNOFF” IN ITS ENTIRETY TO ADOPT NEW REGULATIONS CONSISTENT WITH AMENDMENTS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION’S STORMWATER MANAGEMENT RULES
- Ord. 2024-24 ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2024-10
- Ord. 2024-25 ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN CREATING CHAPTER 77 ENTITLED, “TREE REMOVAL AND REPLACEMENT” ADOPTING THE NJDEP MANDATED REGULATIONS FOR TREE REMOVAL AND REPLACEMENT AND AMENDING ARTICLE 1 ENTITLED, “TITLE; PURPOSE; DEFINITIONS”; ARTICLE 11 ENTITLED, “MAJOR SUBDIVISION APPLICATIONS”; ARTICLE 13 ENTITLED, “MAJOR SITE PLAN APPLICATIONS”; ARTICLE 23 ENTITLED, “SUPPLEMENTARY REGULATIONS”; ARTICLE 26 ENTITLED, “SUBDIVISION DEVELOPMENT STANDARDS”; AND, ARTICLE 46 ENTITLED, “TREE STANDARDS” IN CHAPTER 110 ENTITLED “LAND DEVELOPMENT” CONCERNING TREE STANDARDS AND REMOVING TREE REMOVAL AND REPLACEMENT STANDARDS

Report of the Borough Administrator

Reports of Council Members

Report of the Mayor

New Business Consent Agenda – Resolutions 2024-266 to 2024 -277

- R2024-266 RESOLUTION OF SUPPORT AUTHORIZING THE SUSTAINABLE JERSEY CLIMATE VULNERABILITY ASSESSMENT TECHNICAL ASSISTANCE APPLICATION
- R2024-267 RESOLUTION AUTHORIZING HCESC CONTRACT FOR HVAC REPAIR/REPLACEMENT SERVICES-PUBLIC WORKS FACILITY

- R2024-268 RESOLUTION AMENDING RESOLUTION 2024-59 AUTHORIZING STATE CONTRACT PURCHASE FOR ROCK SALT AND TREATED SALT
- R2024-269 RESOLUTION AMENDING RESOLUTION 2024-99 AUTHORIZING SOMERSET COUNTY COOPERATIVE PRICING FOR ORIGINAL EQUIPMENT MANUFACTURED PARTS AND REPAIRS, HEAVY DUTY VEHICLES OVER 14,500 GVW – AIR BRAKE & EQUIPMENT
- R2024-270 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – BODY ARMOR GRANT
- R2024-271 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – BULLETPROOF VEST GRANT
- R2024-272 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – COLONIAL CEMETERY RESTORATION AND REPAIRS
- R2024-273 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – NATIONAL OPIOID SETTLEMENT
- R2024-274 RESOLUTION TO CANCEL AND REFUND 2024 TAXES AS A RESULT OF COUNTY TAX APPEALS
- R2024-275 RESOLUTION TO REFUND ESCROW BALANCE
- R2024-276 REFUND OF OVERPAYMENT OF 2024 TAXES
- R2024-277 RESOLUTION AUTHORIZING THE REFUND OF RECREATION TRUST PROGRAM FEES

Other New Business

- R2024-278 RESOLUTION AUTHORIZING PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$4,615,549.89

Adjournment

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

ORDINANCE 2024-21

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN
REPEALING AND REPLACING ARTICLE 42, ENTITLED “SURFACE WATER
RUNOFF” IN ITS ENTIRETY TO ADOPT NEW REGULATIONS CONSISTENT WITH
AMENDMENTS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION’S STORMWATER MANAGEMENT RULES**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) recently amended its state-wide Stormwater Management Rules, N.J.A.C. 7:8, *et seq.*; and

WHEREAS, the Borough of Metuchen (the “Borough”) has maintained and continues to maintain its municipal stormwater management regulations within its Borough Code located at Article 42, entitled “Surface Water Runoff”; and

WHEREAS, pursuant to the recommendation and instruction of the Borough Engineer, the Borough must now amend its local stormwater management regulations within Article 42 of the Borough Code to be consistent with NJDEP amendments and mandates and to change its title to “Stormwater Control”.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, and State of New Jersey that Article 42 entitled “Surface Water Runoff” of the Code of the Borough of Metuchen is hereby repealed, deleted and replaced with the following:

Article 42

STORMWATER CONTROL~~SURFACE WATER RUNOFF~~

110-168 Scope and Purpose.

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 110-169.

C. Applicability

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

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

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Metuchen.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

110-169 Definitions.

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

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

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

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

~~“Compaction” means the increase in soil bulk density.~~

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

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

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

~~A county planning agency or~~

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

~~“Department” means the Department of Environmental Protection.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14 digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.~~

~~“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.~~

~~“Infiltration” is the process by which water seeps into the soil from precipitation.~~

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

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

~~The disturbance of one or more acres of land since February 2, 2004;~~

~~The creation of one quarter acre or more of “regulated impervious surface” since February 2, 2004;~~

~~The creation of one quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 or the effective date of this ordinance, whichever is earlier; or,~~

~~A combination of 2 and 3 above that totals an area of one quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one quarter acre or more.~~

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

~~“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, auto cycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.~~

~~“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.~~

~~“Municipality” means any city, borough, town, township, or village.~~

~~“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as~~

~~necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.~~

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

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

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

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

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

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

~~A net increase of impervious surface;~~

~~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);~~

~~The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or~~

~~The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.~~

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

~~The total area of motor vehicle surface that is currently receiving water;~~

~~A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;~~

~~Designated as CAFRA Centers, Cores or Nodes;~~

~~Designated as Urban Enterprise Zones; and,~~

~~Designated as Urban Coordinating Council Empowerment Neighborhoods.~~

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

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

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

110-169.1 Design and Performance Standards for Stormwater Management Measures.

~~A. This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference. 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:~~

~~B.—~~

~~C.— 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.~~

~~D.—~~

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

~~F.—~~

~~G.— The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.~~

110-169.2 ReservedStormwater 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 Section 110-169.8.~~

~~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 Sections 110-169.2.P, Q and R:~~

~~1.— The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;~~

~~2.— The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and,~~

~~3.— The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.~~

~~D.— A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Sections 110-169.2.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:~~

~~1.— The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;~~

~~2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Sections 110-169.2.O, P, Q and R to the maximum extent practicable;~~

~~3. The applicant demonstrates that, in order to meet the requirements of Sections 110-169.2.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and,~~

~~4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 110-169.2.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 110-169.2.O, P, Q and R that were not achievable onsite.~~

~~E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 110-169.2.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm~~

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

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)

Green Roof	0	Yes	No	—
Manufactured Treatment Device ^{(a),(g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(e)	2 ^(b) 1 ^(e)
Small Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(e)	2 ^(b) 1 ^(e)
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 ^(e)	2 ^(b) 1 ^(e)
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	±
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(e)	80	Yes	No	±
Subsurface Gravel Wetland	90	No	No	±
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

~~subject to the applicable contributory drainage area limitation specified at Section 110-169.2.O.2;~~
~~designed to infiltrate into the subsoil;~~
~~designed with underdrains;~~
~~designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;~~
~~designed with a slope of less than two percent;~~
~~designed with a slope of equal to or greater than two percent;~~
~~manufactured treatment devices that meet the definition of green infrastructure at Section 110-169;~~
~~manufactured treatment devices that do not meet the definition of green infrastructure at Section 110-169.~~

~~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 Section 110-169.4.I.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 110-169.2.O only if the measures meet the definition of green infrastructure at Section 110-169. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 110-169.2.O.2 are subject to the contributory drainage area limitation specified at Section 110-169.2.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 110-169.2.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 110-169.2.D is granted from Section 110-169.2.O.~~

~~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.~~

~~Design standards for stormwater management measures are as follows:~~

~~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);~~

~~Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one third the width of the diameter of the orifice or one third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 110-169.6.C;~~

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

~~Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 110-169.6; and,~~

~~The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.~~

~~Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 110-169.2.O.4.~~

~~Any application for a new agricultural development that meets the definition of major development at Section 110-169 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 110-169.2.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for~~

~~sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.~~

~~If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 110-169.2.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.~~

~~Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Middlesex County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 110-169.2.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 110-169.8.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.~~

~~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 Section 110-169.2 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Middlesex County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.~~

~~Green Infrastructure Standards~~

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

To satisfy the groundwater recharge and stormwater runoff quality standards at Sections 110-169.2.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 110-169.2.F. and/or an alternative stormwater management measure approved in accordance with Section 110-169.2.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

To satisfy the stormwater runoff quantity standards at Section 110-169.2.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 110-169.2.G.

If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 110-169.2.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 110-169.2.P, Q and R.

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 Sections 110-169.2.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 110-169.2.D.~~

~~Groundwater Recharge Standards~~

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

~~The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 110-169.3, either:~~

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

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

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

~~The following types of stormwater shall not be recharged:~~

~~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,~~

~~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.~~

~~Stormwater Runoff Quality Standards~~

~~This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality~~

~~standards are applicable when the major development results in an increase of one quarter acre or more of regulated motor vehicle surface.~~

~~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:~~

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

~~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.~~

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

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

Table 4 – Water Quality Design Storm Distribution

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

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

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

~~Where~~

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

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

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

~~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 Sections 110-169.2.P, Q and R.~~

~~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.~~

~~The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.~~

~~Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.~~

~~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.~~

~~Stormwater Runoff Quantity Standards~~

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

~~In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 110-169.3, complete one of the following:~~

~~Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;~~

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

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

~~In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.~~

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

110-169.3 Reserved Calculation of Stormwater Runoff and Groundwater Recharge.

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

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

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

~~for *Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: 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~~

~~ii. 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 Section 110-169.3.A.1.i and the Rational and Modified Rational Methods at Section 110-169.3.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).~~
- ~~3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.~~
- ~~4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55—Urban Hydrology for Small Watersheds* or other methods may be employed.~~

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

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

~~The New Jersey Geological Survey Report GSR 32, A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.~~

110-169.4 Reserved Sources for Technical Guidance.

~~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.~~

~~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.~~

~~Additional maintenance guidance is available on the Department's website at:~~

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

~~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.~~

110-169.5 Solids and Floatable Materials Control Standards.

A. Site design features identified under Section 110-169.~~12-F~~ above, or alternative designs in accordance with Section 110-169.~~12-G~~ above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section ~~110-169.530-7.A.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:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or,
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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

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

2. The standard in A.1. above does not apply:

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

- b. A bar screen having a bar spacing of 0.5 inches.

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

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

110-169.6 Safety Standards for Stormwater Management Basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basinsBMPs. This section applies to any new stormwater management basinBMP. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

~~B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Sections 110-169.6.C.1, 110-169.6.C.2, and 110-169.6.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.~~

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

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

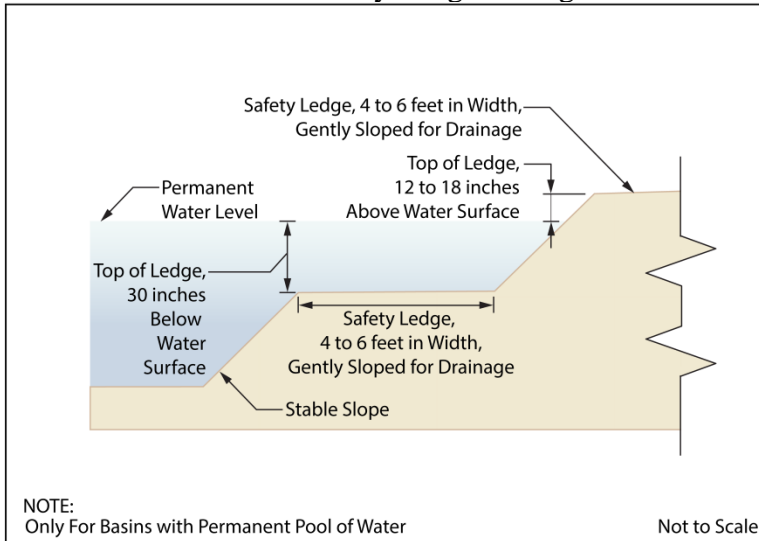
- ~~iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.~~
 - ~~2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - ~~i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.~~
 - ~~ii. The overflow grate spacing shall be no less than two inches across the smallest dimension.~~
 - ~~iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.~~~~
 - ~~3. Stormwater management BMPs shall include escape provisions as follows:
 - ~~i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 110-169.6.C, a free standing outlet structure may be exempted from this requirement;~~
 - ~~ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one half feet below the permanent water surface, and the second step shall be located one to one and one half feet above the permanent water surface. See Section 110-169.6.E for an illustration of safety ledges in a stormwater management BMP; and,~~
 - ~~iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.~~~~

~~D. Variance or Exemption from Safety Standard~~

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

E.B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



110-169.7 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 110-169.7.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 110-169.7.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section 110-169.1 s III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 110-169.2 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 110-169.8.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 110-169.7.C.1 through 110-169.7.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

110-169.8 Maintenance and Repair.

A. Applicability

Projects subject to review as in Section 110-168.C of this ordinance shall comply with the requirements of Section 110-169.8.B and 110-169.8.C.

B. General Maintenance

- 1. ~~The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.~~ Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

~~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. The following requirements of N.J.A.C. 7:8-5.8 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:~~

- ~~i. —~~
- ~~ii. —~~

~~iii. —~~ 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.

- ~~i. —~~
- ~~iv. —~~

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

~~2. If the party responsible for maintenance identified under Section 110-169.8.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 110-169.8.B.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.~~

~~3. 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.~~

~~4. The party responsible for maintenance identified under Section 110-169.8.B.3 above shall perform all of the following requirements:~~

- ~~i. —~~ maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the

~~development, including a record of all inspections and copies of all maintenance-related work orders;~~

~~ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and,~~

~~iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 110-169.8.B.6 and B.7 above.~~

~~5. The requirements of Sections 110-169.8.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.~~

~~The party responsible for the maintenance and repair of the stormwater management measure, shall post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.~~

~~6.3.~~In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

110-169.9 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties ~~listed in Section 110-256.:~~

~~Imprisonment in the County Jail for a term not exceeding ninety (90) days or a fine not less than one thousand five hundred (\$1,500) dollars, or both, in the discretion of the Court.~~

110-169.10 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.

110-169.11 Effective Date.

This ordinance shall take effect ~~from and after its adoption and any publication as required by law immediately upon approval by the County review agency, or sixty (60) days from the receipt of the ordinance by the County review agency if the County review agency should fail to act.~~

BE IT FURTHER ORDAINED, by the Mayor and Council that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Metuchen, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Metuchen are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the Mayor and Council that after adoption of this Ordinance, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the County of Middlesex for its review and approval in accordance with N.J.S.A. 40:55D-97.

Introduction: ~~January 11, 2021~~

Date of Publication: ~~January 14, 2021~~

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	KOSKOSKI				SECOND	RASMUSSEN			
X INDICATES VOTE AB ABSENT NV NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on January 11, 2021.

~~Susan D. Jackson, RMC~~
Borough Clerk

Adopted: ~~February 8, 2021~~

Date of Publication: ~~February 11, 2021~~

X COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI				X
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	RASMUSSEN				SECOND	HIRSCH			
X INDICATES VOTE AB ABSENT NV NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on February 8, 2021.

Susan D. Jackson, RMC
Borough Clerk

ATTEST: _____ BOROUGH OF METUCHEN

Susan D. Jackson, RMC
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2024-24

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE TO SET THE MINIMUM AND MAXIMUM WAGE RANGES FOR CERTAIN BOROUGH EMPLOYEES, AMENDING ORDINANCE 2024-10

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, that Ordinance 2024-10 be repealed and replaced with this ordinance to set the salary authorizations for the calendar year 2024, effective January 1, 2024.

A. The following official employment designations are hereby confirmed and the range of compensation of each officer and employee of the Borough of Metuchen shall be:

POSITION	MINIMUM	MAXIMUM	PER
Mayor	\$10,000.00	\$20,000.00	year
Councilmember	\$ 5 000.00	\$10,000.00	year
Borough Administrator	\$ 100,000.00	\$ 200,000.00	year
Director of Special Projects	\$70,000.00	\$ 100,000.00	year
Director of Economic Development	\$85,000.00	\$120,000.00	year
Project Manager	\$50,000.00	\$100,000.00	year
Borough Clerk	\$75,000.00	\$ 110,000.00	year
Chief Financial Officer/ Tax Collector/QPA	\$100,000.00	\$ 190,000.00	year
Tax Assessor	\$75,000.00	\$ 110,000.00	year
Public Works Director	\$85,000.00	\$ 190,000.00	year
Public Works Superintendent	\$80,000.00	\$130,000.00	year
Public Works Supervisor	\$75,000.00	\$ 120,000.00	year
Chief of Police	\$ 170,000.00	\$250,000.00	year
Police Captain	\$ 160,000.00	\$220,000.00	year
Police Lieutenant	\$ 150,000.00	\$205 000.00	year
Court Administrator	\$75,000.00	\$ 110,000.00	year
Director of Recreation	\$50,000.00	\$100,000.00	year
Senior Citizen Director	\$45,000.00	\$100,000.00	year
Director of Recreation/Senior Services	\$ 70 000.00	\$ 110,000.00	year
Program Coordinator of Recreation/Senior Services	\$45,000.00	\$85,000.00	year
Administrative Assistant	\$42,000.00	\$75,000.00	year
Zoning Officer	\$65,000.00	\$90,000.00	year
TACO Administrative Officer	\$50,000.00	\$95,000.00	year
Administrative Manager	\$50,000.00	\$90,000.00	year
Deputy Court Administrator	\$42,000.00	\$65,000.00	year
Violations Clerk	\$40,000.00	\$60,000.00	year
QPA	\$6,000.00	\$15,000.00	year
Finance Clerk	\$40,000.00	\$65,000.00	year
Senior Finance Specialist	\$50,000.00	\$ 100,000.00	year
Finance Specialist	\$45,000.00	\$90 000.00	year
Multi-Media & Communication Director	\$65,000.00	\$ 110,000.00	year
Janitor	\$35,000.00	\$50 000.00	year
Enforcement Official	\$40,000.00	\$60,000.00	year
Land Use Administrator	\$50,000.00	\$90,000.00	year

Mileage/Car Use Stipend - at Borough Administrator discretion		<u>\$2,000.00</u>	year
Field Inspector	\$50,000.00	\$80,000.00	year
Assistant Tax Assessor	\$60,000.00	\$100,000.00	year

POSITION-PART TIME	MINIMUM	MAXIMUM	PER
Bus Drivers	\$20.00	\$30.00	hour
Part-Time Clerk Office Assistant	\$15.13	\$30.00	hour
Part-Time Violations Clerk	\$19.00	\$33.00	hour
Janitor, Firehouse	\$15.13	\$30.00	hour
Fire Official (Fire Prevention)	\$6,000.00	\$40,000.00	year
Fire Inspectors (Fire Prevention)	\$5,000.00	\$20,000.00	year
Office of Emergency Management Director	\$6,000.00	\$65,000.00	year
Office of Emergency Management Deputy Coordinator	\$1,000.00	\$1,500.00	stipend
Registrar	\$5,000.00	\$17,000.00	year
Deputy Registrar	\$3,000.00	\$11,000.00	year
School Crossing Guards	\$19.00	\$30.00	hour
Municipal Cares Coordinator	\$6,000.00	\$10,000.00	year
C-3 Sanitary Sewer Collection System Operator	\$6,000.00	\$10,000.00	year
Per Diem Clerical	\$15.13	\$30.00	hour
Public Works Summer Help	\$15.13	\$30.00	hour
Parking Enforcement Officer	\$19.00	\$30.00	hour
Police Auxiliary Officer	\$500.00	\$1,500.00	stipend
Police Aide	\$30.00	\$40.00	hour

CONSTRUCTION INSPECTORS/OFFICIALS

POSITION	MINIMUM	MAXIMUM	PER
Construction Official	\$40.00	\$70.00	hour
Plumbing Subcode Official	\$25.00	\$50.00	hour
Plumbing Inspector	\$45.00	\$70.00	hour
Electrical Subcode Official	\$25.00	\$50.00	hour
Electrical Inspector	\$45.00	\$70.00	hour
Fire Subcode Official	\$25.00	\$50.00	hour
Fire Inspector	\$45.00	\$70.00	hour
Building Subcode Official	\$25.00	\$50.00	hour
Building Inspector	\$45.00	\$70.00	hour
Alternate Subcode Officials	\$25.00	\$50.00	hour
Alternate Inspectors	\$40.00	\$70.00	hour
Special Inspections	\$20.00	\$20.00	hour

COURT ADMINISTRATION

POSITION	MINIMUM	MAXIMUM	PER
Municipal Court Judge	\$25,000.00	\$50,000.00	year
Municipal Public Defender	\$15,000.00	\$30,000.00	year

RECREATION PT			
POSITION	MINIMUM	MAXIMUM	PER
Lacrosse Director	\$30.00	\$40.00	hour
Field Hockey Director	\$30.00	\$40.00	hour
Field Hockey Coach	\$20.00	\$30.00	hour
Field Hockey Referee	\$15.13	\$15.13	hour

RECREATION SEASONAL			
POSITION	MINIMUM	MAXIMUM	PER
Tennis Instructor	\$13.73	\$16.00	hour
Tennis Director	\$75.00	\$85.00	hour
Art Director	\$50.00	\$75.00	hour
Cooking Director	\$40.00	\$50.00	hour
Cam p Director	\$35.00	\$45.00	hour
Assistant Cam p Director	\$25.00	\$30.00	hour
Camp Counselors	\$13.73	\$16.00	hour
Recreation Assistant	\$13.73	\$16.00	hour
Soccer Camp Director	\$35.00	\$50.00	hour
Soccer Counselor	\$13.73	\$16.00	hour
Soccer Trainer	\$20.00	\$30.00	hour
Track Camp Director	\$30.00	\$40.00	hour
Track Advisor	\$25.00	\$30.00	hour
Track Specialist	\$20.00	\$30.00	hour
Basketball Director	\$30.00	\$50.00	hour
Basketball Referee	\$25.00	\$30.00	hour
Junior Referee	\$13.73	\$16.00	hour
Umpire	\$30.00	\$30.00	hour

POOL SEASONAL			
POSITION	MINIMUM	MAXIMUM	PER
Pool Manager	\$6,000.00	\$15,000.00	season
Assistant Managers	\$3,500.00	\$10,000.00	season
Aquatics Director	\$3,000.00	\$10,000.00	season
Head Swim Team Coach *	\$2,000.00	\$6,000.00	season
Assistant Swim Team Coach	\$1,000.00	\$5,000.00	season
Swim Team Assistant	\$750.00	\$2,000.00	season
Head Diving Coach	\$1,500.00	\$3,000.00	season
Assistant Diving Coach	\$1,100.00	\$3,000.00	season
Activities Director	\$3,000.00	\$6,000.00	season
Pre-Season Rate	\$13.73	\$13.73	hour
Swim Instructor	\$13.73	\$13.73	hour
Head Lifeguard	\$15.43	\$15.43	hour
Lifeguard	\$13.88	\$13.88	hour
Head Gate Attendant	\$13.88	\$13.88	Hour
Gate Attendant	\$13.73	\$13.73	Hour
Head Maintenance	\$14.43	\$14.43	Hour

Maintenance	\$13.73	\$13.73	hour
*Position not filled when Aquatics Director position is filled and acts as Head Coach.			

**LIBRARY PERSONNEL
SALARY ADJUSTMENT AND INCREASE PER LIBRARY BOARD OF TRUSTEES**

POSITION	MINIMUM	MAXIMUM	PER
FT Library Director	\$85,000.00	\$ 130,000.00	year
FT Principal Librarian	\$72,000.00	\$85,000.00	year
FT Senior Librarian (Youth/User Services)	\$62,000.00	\$75,000.00	year
FT Senior Librarian (Adult/User Services)	\$62,000.00	\$75,000.00	year
FT Librarian	\$55,000.00	\$ 68,000.00	year
FT Librarian (Adult/Youth Services)	\$55,000.00	\$68,000.00	year
FT Librarian (Adult/User Services)	\$55,000.00	\$68,000.00	year
FT Librarian (Youth Services)	\$55,000.00	\$ 68,000.00	year
FT Principal Library Assistant	\$42,000.00	\$55,000.00	year
FT Senior Library Assistant	\$ 36,000.00	\$ 45,000.00	year
FT Library Assistant	\$31,000.00	\$ 36,000.00	year
PT Senior Librarian	\$ 35.00	\$ 45.00	hour
PT Senior Librarian (Youth Services)	\$ 35.00	\$ 45.00	hour
PT Librarian	\$30.00	\$ 36.00	hour
PT Librarian (Youth Services)	\$30.00	\$ 36.00	hour
PT Library Bookkeeper	\$26.00	\$32.00	hour
PT Library Technology Assistant	\$23.50	\$28.00	hour
PT Senior Library Assistant	\$ 20.00	\$28.00	hour
PT Library Children's Service Specialist	\$ 20.00	\$28.00	hour
PT Library Technical Services Assistant	\$ 18.00	\$25.00	hour
PT Library Assistant	\$ 17.37	\$25.00	hour
PT Library Page	\$ 15.13	\$18.00	hour

B. The hourly range of compensation for the public works positions hereinafter named shall be as follows, all payable in bi-weekly installments except as otherwise provided for:

POSITION	MINIMUM	MAXIMUM
Parking Maintenance	\$36.09	\$40.05
Pump Operator	\$36.64	\$ 40.65
Maintenance Repair Person	\$ 36.37	\$ 40.36
Assistant Maintenance Repair Person	\$ 34.90	\$ 38.75
Master Mechanic	\$36.09	\$ 40.05
Heavy Equipment Operator	\$36.09	\$ 40.05
Head Forestry	\$36.09	\$ 40.05
Assistant Equipment Operator	\$ 34.90	\$ 38.75
Forestry	\$34.90	\$ 38.75
Assistant Mechanic	\$34.90	\$ 38.75
Assistant Pump Operator	\$ 34.90	\$ 38.75
Parks Worker	\$36.09	\$ 40.05
Assistant Park Worker	\$ 34.90	\$ 38.75
Drivers	\$33.93	\$ 37.69
Laborer	\$ 32.88	\$ 36.54

Additional compensation by way of longevity, overtime, sick days, personal days, insurance benefits and other matters related thereto are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

- C. The salary range of compensation of all officers of the police department hereinafter named shall be as follows, all payable in equal bi-weekly installments except as otherwise provided for:

POSITION	MINIMUM	MAXIMUM
Sergeant	\$137,266.00	\$155,998.00
Detective	\$129,823.00	\$147,539.00
Patrol Officer	\$49,002.00	\$143,139.00
Academy	\$31,470.40	\$31,470.40

Additional compensation by way of Corporal assignment, longevity, overtime, sick days, personal days, insurance benefits and other matters related are fully set forth in the collective bargaining agreement and are hereby incorporated in this ordinance.

1. Additional compensation by way of overtime, sick days, personal days, insurance benefits for full time employees not covered in collective bargaining agreements are fully set forth in the Personnel Handbook and amendments thereto previously adopted by the Borough Council and are hereby incorporated in this Ordinance.
2. No officer or employee shall be paid at a base rate which is above the maximum rate for any salary range in any of the aforementioned groups. Unless otherwise provided for all new employees or newly promoted employees shall be paid at the minimum rate of the salary range for the position to which they are hired. However, the Borough Administrator may hire a prospective employee who possesses qualifications that are greater than the minimum qualifications for the position at a rate above the minimum rate, but in no case shall a new employee be hired at a rate which is greater than that of a current employee in the same group.
3. This Ordinance shall supersede and replace all prior Salary Ordinances and Amendments thereto. Upon the effective date of this Ordinance, any and all prior Salary Ordinances and Amendments thereto and all salaries and compensation authorized therein shall have no further effect. The within Ordinance represents the salaries and compensation to be received by all current, exiting employees and offices or those anticipated to be filled in the near future. In the event that an existing office or position is currently vacant, and a salary or compensation is not set forth in this Ordinance, this Salary Ordinance shall be amended to create a salary and/or salary range for such position or office prior to said position or office being filled.
4. If any portion of this ordinance is in conflict with any portion of a collective bargaining agreement, then the collective bargaining agreement shall take precedence.

5. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.
6. This ordinance shall take effect after its publication according to law and the amendments contained herein shall be retroactive to January 1, 2024.

Introduction: October 7, 2024
 Date of Publication: October 11, 2024

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				JETHWANI				X
GIAMBOI	X				KANDEL				X
MOTION	GIAMBOI			SECOND			BRANCH		
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on October 7, 2024.

 Deborah Zupan, RMC
 Borough Clerk

ORDINANCE 2024-25

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN
CREATING CHAPTER 77 ENTITLED, “TREE REMOVAL AND REPLACEMENT”
ADOPTING THE NJDEP MANDATED REGULATIONS FOR TREE REMOVAL AND
REPLACEMENT AND AMENDING ARTICLE 1 ENTITLED, “TITLE; PURPOSE;
DEFINITIONS”; ARTICLE 11 ENTITLED, “MAJOR SUBDIVISION
APPLICATIONS”; ARTICLE 13 ENTITLED, “MAJOR SITE PLAN APPLICATIONS”;
ARTICLE 23 ENTITLED, “SUPPLEMENTARY REGULATIONS”; ARTICLE 26
ENTITLED, “SUBDIVISION DEVELOPMENT STANDARDS”; AND, ARTICLE 46
ENTITLED, “TREE STANDARDS” IN CHAPTER 110 ENTITLED “LAND
DEVELOPMENT” CONCERNING TREE STANDARDS AND REMOVING TREE
REMOVAL AND REPLACEMENT STANDARDS**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated community-wide regulations for tree removal and tree replacement for all types of properties; and

WHEREAS, Article 46 of Chapter 110 of the Land Development Ordinance, specifically §110-181.1 through §110-182 regulates among other things tree removal and replacement requirements, review standards, inspection and fees relating to applications for development within the Borough; and

WHEREAS, the Mayor and Borough Council have determined that it is in the best interest of the Borough of Metuchen to adopt the NJDEP model community-wide ordinance; and

WHEREAS, the Mayor and Borough Council have determined to create Chapter 77 of the Code of the Borough of Metuchen entitled, “Tree Removal and Replacement,” and to remove related tree removal and replacement standards contained in Article 46, entitled “Tree Standards” in Chapter 110 entitled “Land Development,” specifically §110-181.1 through §110-182, and to incorporate the applicable standards in the new separate consolidated Chapter 77 of the Code of the Borough of Metuchen.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Metuchen that the Code of the Borough of Metuchen is hereby amended to create a Chapter 77 entitled, “Tree Removal and Replacement” and amend various articles in Chapter 110 entitled, “Land Development” and to govern and provide for the community-wide regulations of tree removal and replacement within the Borough of Metuchen and the enforcement thereof to state as follows:
SECTION 1. A new Chapter 77 entitled, “Tree Removal and Replacement” of the Code of the Borough of Metuchen is hereby created to read as follows:

CHAPTER 77

TREE REMOVAL AND REPLACEMENT

§ 77-1 Purpose.

An ordinance to establish requirements for tree removal and replacement in the Borough of Metuchen to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§ 77-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6" x 1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half (4 ½) feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§ 77-3 Regulated activities.

A. Application process:

1. Any person seeking to or planning to remove a street tree, as defined as Tree removal, or any tree with DBH of 6” or more on their property, shall submit a Tree Removal Permit Application to the Zoning Officer. No tree shall be removed until the Borough has reviewed and approved the removal.

2. The application fee for the removal of street tree(s), as defined as Tree removal, or any tree(s) with DBH of 6” or more on their property, shall be one hundred dollars (\$100.00) per tree sought to be removed. However, the application fees shall be waived in the event of a Hazard Tree as defined herein.

B. Duration of tree removal permit:

1. Permits granted for the removal of street tree(s), as defined as Tree removal, or any tree(s) with DBH of 6” or more on their property, shall run with the land and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and approval.

a. If granted for a resident in the case where tree(s) are removed not solely for development purposes as part of a zoning permit or an application for development, one (1) year from the date of the approved permit.

b. If granted for a lot or parcel of land for which variance approval from the Zoning Board of Adjustment is required to as a condition precedent to obtaining a zoning and/or building permit, one (1) year from the date of such variance approval.

c. If granted for a lot or parcel of land for which site plan approval from the Planning Board or Zoning Board of Adjustment is required as a condition precedent to obtaining a zoning and/or building permit, until expiration of such site plan approval.

d. If granted for a lot or parcel of land for which minor subdivision is sought, one (1) year from the date of perfection of such minor subdivision.

e. If granted for a lot or parcel of land for which preliminary approval of a major subdivision is sought, until expiration of such preliminary approval.

C. Tree replacement requirements:

1. Any person who removes one or more street tree(s), as defined as Tree removal, or any tree with DBH of 6” or more on their property, unless otherwise exempted under section 4, shall be subject to the requirements of the Tree Replacement Requirements Table below.

2. Replacement tree(s) shall:

a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below.

b. Be planted at a minimum size of two and a half (2 ½) inches in caliper at time of planting;

c. Be selected from **Attachment A**. Approved list of Replacement Tree Species and Planting Standards for the Borough of Metuchen, and may be

substituted with other types of plantings as approved by the Zoning Officer as follows:

(1) Trees selected from Attachment A shall constitute as 1.00 replacement trees.

(2) Flowering and evergreen trees shall constitute as 0.75 replacement trees.

(3) Arborvitae and other evergreen shrubs at least six (6) feet tall at time of planting shall constitute as 0.25 replacement trees.

(4) Saplings shall constitute as 0.05 replacement trees.

(5) Individual values that result in a fractional number as calculated above shall be rounded to the nearest whole number.

(6) At least 75% of the total value of replacement trees as calculated above shall consist of trees selected from Attachment A.

d. Be subject to the following diversity requirements:

(1) Where up to two (2) replacement trees are provided, there is no diversity requirement.

(2) Where at least three (3) and up to five (5) replacement trees are provided, not more than two-thirds ($\frac{2}{3}$) of such replacement trees shall be of any one species.

(3) Where six (6) or more replacement trees are provided, not more than one-half ($\frac{1}{2}$) of such replacement trees shall be of any one species.

e. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;

f. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

g. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (2.5" caliper trees)*
1	Less than 12" (street trees); 6" to less than 12" (other trees)	Replant one (1) tree for each tree removed
2	12" to less than 18"	Replant two (2) trees for each tree removed
3	18" to less than 24"	Replant four (4) trees for each tree removed
4	24" to less than 30"	Replant six (6) trees for each tree removed
5	30" to less than 36"	Replant eight (8) trees for each tree removed
6	36" or greater	Replant 10 trees for each tree removed

* In the case of a resident removing trees, the tree replacement criteria shall be reduced by 50%.

D. Replacement Alternatives

1. If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in a separate area(s) approved by the Borough.
- b. Pay to the Shade Tree Commission the sum of \$500 per replacement tree not planted on the property where the tree removal activity occurred, to be used by the Shade Tree Commission for tree planting and continued maintenance of the trees.

§ 77-4 Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Borough by all persons claiming an exemption, and shall include proper justification such as photos or statements from a certified arborist or New Jersey licensed tree expert as per N.J.S.A. 45:15C-11.

A. Residents who remove fewer than three (3) trees that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.

- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough.
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or United States Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- G. Hazard trees may be removed with no fee or replacement requirement. However, unless in the case of imminent threat of danger exists to persons or property, an application to remove hazard trees shall be filed prior to their removal. In the event of imminent danger, a person seeking to remove hazard trees shall document that such tree meets the definition of “hazard tree” contained herein as well as such hazardous conditions which warrants the immediate removal without filing the application pursuant to § 77-3.

§ 77-5 Enforcement.

This ordinance shall be enforced by the Police Department, Zoning Officer, and/or the Enforcement Officer of the Borough of Metuchen during the course of ordinary enforcement duties.

§ 77-6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of five hundred dollars (\$500.00) per tree for each violation in addition to the tree replacement requirement or the payment of in lieu of replacement contained herein.

Appendix A

Approved list of Replacement Tree Species and Planting Standards for the Borough of Metuchen

(Trees in Bold are Acceptable Replacements for Street Trees)

Tree Species Botanical Name (Common Name)	Planting Standards	Planting Season	Planting Procedure (Soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc.)
Ginkgo Biloba v. Magyar (Magyar (male) Maidenhair Tree)	Adjacent to street and/or near utility wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Liriodendron Tulipifera (Tulip tree)	Adjacent to street and/or near utility wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Platanus Acerifolia v. Bloodgood (London Plane Tree) or Platanus American (Sycamore)	Adjacent to street and/or near utility wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Taxodium Distichum (Bald Cypress)	Adjacent to street and/or near utility wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus Palustris (Pin Oak)	Adjacent to street and/or near utility wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Acer Rubrum v. Red Sunset (Red Sunset Red Maple) or Acer saccharum (Sugar Maple)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Celtis occidentalis (Hackberry)	Where location is clear overhead, not adjacent to street and	Spring to Fall	Comply with all specifications and planting procedures

	there are no nearby utilities or wires overhead		required for the specific tree species.
Carpinus betulus (European hornbeam)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Gleditsia Triacanthos Inermis, and varieties (Honey Locust)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Liquidambar Styraciflua (Sweetgum)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Tilia Cordata v. Greenspire (Littleleaf Linden)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Tilia Americana v. Redmond (Redmond Linden)	Where location is clear overhead and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Ulmus Americana v. Princeton (Princeton American Elm) or Ulmus parvifolia (Chinese Elm)	Where location is clear overhead and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Ulmus Americana v. Valley Forge (Valley Forge American Elm)	Where location is clear overhead and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus Acutissima (Sawtooth Oak)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus Alba (White Oak)	Where location is clear overhead, not	Spring to Fall	Comply with all specifications and

	adjacent to street and there are no nearby utilities or wires overhead		planting procedures required for the specific tree species.
Quercus Bicolor (Swamp White Oak)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus Coccinea (Scarlet Oak)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus prinus (Chestnut Oak)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Quercus Rubra (Red Oak)	Where location is clear overhead and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Aesculus x carnea Briotii (Red Chestnut)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Aesculus x carnea Fort Mc Nair (Pink Chestnut)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Aesculus Glabra (has chestnuts) (Ohio Buckeye)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.

Gymnocladus Dioicus v. Prairie Titan (Kentucky Coffeetree)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Metasequoia Glyptostrobooides (Dawn Redwood)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Larix Decidua (European Larch)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Larix Kaempferi (Japanese Larch)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Nyssa Sylvatica (Black Gum)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.
Zelkova serrata (Zelkova)	Where location is clear overhead, not adjacent to street and there are no nearby utilities or wires overhead	Spring to Fall	Comply with all specifications and planting procedures required for the specific tree species.

List of Tree Species That Are Prohibited for Use as Replacement Trees

Tree Species Botanical Name (Common Name)
Any species considered invasive (i.e. Pyrus varieties, Pear trees) or not on the above list of acceptable trees without written approval of the Borough representative.

SECTION 2. Section 110-4 (Definitions) in Article 1 (Title; Purpose; Definitions) in Part I (General Provisions) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-4 Definitions.

ADD: DIAMETER AT BREAST HEIGHT (DBH)

The diameter of the trunk of a mature tree generally measured at a point four and a half (4 ½) feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

REVISE: TREE CALIPER

The diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

SECTION 3. Subsection K. in Section 110-47 (Submission requirements) in Article 11 (Major Subdivision Applications) in Part II (Applications for Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

K. A property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

- (1) Property lines and reference corners.
- (2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.
- (3) Other man-made features, such as culverts, drainpipes, fences and retaining walls.

- (4) Unique landforms, natural features, watercourses or bodies of water.
- (5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four (4) inches in DBH.
- (6) The public right-of-way adjacent to the tract, including improvements such as sidewalks, curbs, driveway aprons, street paving, utility poles, hydrants and shade trees.
- (7) Utilities, including the type and/or width of all lateral connections or easements for water, sanitary sewer, electricity, telephone and cable television.
- (8) Easements or rights-of-way affecting the tract to be developed, whether public or private, including an attached written statement of the extent, limits and purpose of the easement rights.
- (9) Graphic scale.
- (10) North arrow.
- (11) The above is to be drawn at a scale not larger than one inch equals 50 feet.

SECTION 4. Subsection K. in Section 110-53 (Submission requirements) in Article 13 (Major Site Plan Applications) in Part II (Applications for Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

K. Property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

- (1) Property lines and reference corners.
- (2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.
- (3) Other man-made features, such as culverts, drainpipes, fences and retaining walls.
- (4) Unique landforms, natural features, watercourses or bodies of water.
- (5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four (4) inches in DBH.

SECTION 5. Section 110.112-7 (Design and landscape provisions) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-112.7 Design and landscape provisions.

The following provisions shall apply to all applications involving construction, reconstruction, or addition to a single- or two-family detached dwelling. In the case of an application involving less than 500 square feet of construction, reconstruction, or an addition to a single- or two-family detached dwelling, the following provisions may be waived at the determination of the reviewing agency or the Zoning Officer.

A. Orientation. The dwelling shall be oriented to face to and relate to the street and sidewalk in terms of the footprint location and front entrance. On corner lots, the reviewing agency or the Zoning Officer shall have the ability to determine which street such dwelling shall face and relate to as the primary street and which side shall be treated as a secondary street for the purposes of orientation.

B. Facade width. The width of any facade facing a street shall not extend greater than 40 feet. Such facade may extend beyond 40 feet by stepping inward or outward with offsets of a minimum of eight (8) feet. The width of any facade facing a street to achieve the required stepping shall extend no less than eight (8) feet. For the purposes of this subsection, a covered porch at least four (4) feet in depth, 10 feet in width and located not greater than four (4) feet from the garage shall meet the intent of being a portion of the facade facing the street. These provisions shall apply to pre-existing dwellings that currently conform to these provisions and new dwellings only.

C. Garage locations and design. A one- or two-car garage facing the street shall be recessed behind the nearest portion of the facade facing the street with an offset of a minimum of eight (8) feet. Any three-car garage shall be located to face the side or rear of the property and not the street. Any garage facing the side or rear of the property shall be recessed behind the nearest portion of the facade facing the street with an offset of a minimum of four (4) feet. For the purposes of this subsection, a covered porch at least four (4) feet in depth, 10 feet in width and located not greater than four (4) feet from the garage shall meet the intent of being a portion of the facade facing the street. The width of the portion of the facade facing the street containing the garage shall not exceed 40% of the overall facade facing the street or 30 feet, whichever is less. In no case shall the garage door(s) be closer to the street than the main entry door. These provisions shall apply to preexisting dwellings that currently conform to these provisions and new dwellings only.

D. Repetition of building design. The same building design shall not be utilized on adjacent lots not within 200 feet of another dwelling of the same design. Building design shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage location, architectural style, materials and colors and details. This provision shall only apply to an application involving a subdivision.

E. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any tree greater than four (4) inches in DBH, as well as existing stands of trees and tall shrubs and hedgerows along property lines. In cases where trees are removed, their replacement shall be provided in accordance with Chapter 77.

F. Foundation plantings. The base along the front(s) and side(s) of each dwelling as well as porches and entrance platforms in the front yard(s) and side yard(s) of each dwelling shall be planted consisting of evergreen and deciduous shrubs. Such plantings shall be a minimum of two (2) feet tall at time of planting and spaced an average of three (3) feet on center. To avoid monocultures, the following species diversity shall be used: where up to 10 plants are proposed, not more than one-half ($\frac{1}{2}$) proposed plants shall be of any one species; where 11 to 30 plantings are proposed, not more than one-third ($\frac{1}{3}$) of the proposed plantings shall be of any one species; and where greater than 30 plantings are proposed, not more than one-quarter ($\frac{1}{4}$) of the proposed plantings shall be of any one species. Plantings shall be selected from the recommended Borough plant list. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire facade facing a street.

G. Front yard tree plantings. The front yard(s) of each dwelling shall be planted with a minimum of one (1) shade tree and one (1) flowering tree for each 50 feet of frontage along the street or part thereof. On front yards where healthy and mature shade and/or flowering trees currently exist and are being preserved, such shall count toward the requirement. Shade trees shall be a minimum of two and a half ($2\frac{1}{2}$) inches in caliper, and flowering trees shall be a minimum of two (2) inches in caliper at time of planting. To avoid monocultures, the following species diversity shall be used: where three (3) to five (5) shade and/or three (3) to five (3) flowering trees are proposed, not more than two-thirds ($\frac{2}{3}$) of the proposed shade and/or flowering trees shall be of any one species; and where greater than five (5) shade and/or five (5) flowering trees are proposed, not more than one-half ($\frac{1}{2}$) of the proposed shade and/or flowering trees shall be of any one species. Shade trees shall be selected from Attachment A contained within Chapter 77. If the approving authority determines that some or all of the shade and/or flowering trees cannot be accommodated in the front yard(s) on the subject premises, the applicant shall pay to the Shade Tree Commission the sum of \$500 per shade tree and \$250 per flowering tree required, to be used by the Shade Tree Commission for the planting of trees on public lands in the Borough. Newly planted trees shall be monitored for a period of one (1) year to ensure the health of the trees. If the trees die within the one-year period, the developer/applicant shall replace the dead tree(s). The developer/applicant shall remain liable to replace trees, notwithstanding that the subject premises may have been conveyed to another person or entity.

H. Street trees. Street trees shall be provided in accordance with Article 46 of this chapter.

I. Public sidewalks and private walkways. Public sidewalks and private walkways shall be provided in accordance with Article 34 of this chapter.

SECTION 6. Section 110-128 (Standards) in Article 26 (Subdivision Development Standards) in Part IV (Development and Design Standards) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

The following standards shall be used to prepare any development plan for a subdivision:

A. Blocks. The length, width and area of blocks created within bounding roads creating blocks shall be such as to accommodate the lot areas and dimensions required by Part III of this chapter for the specific district in which the block is located and to provide for convenient access, circulation, control and safety of street traffic.

B. Lots. No lot shall be created on which development may be rendered impracticable due to significant environmental or man-made constraints, such as steep slopes, wetlands, floodplains, flood hazard areas, drainage or other natural conditions or lack of sewer capacity, utility service, vehicular access or other man-made conditions. Where such conditions occur, the affected land shall be incorporated into the adjoining lots or contiguous open space. Where there are unanswered questions as to the suitability of a lot for its intended use due to any of the above-referenced factors or similar circumstances, the Board may, after adequate investigation, withhold approval of such a lot.

C. Lot lines. Side lot lines shall be at right angles to straight street lines and radial to curved street lines, wherever practical.

D. Setbacks. Slight variations in setbacks may be provided at the discretion of the Board, in order to provide visual interest and relieve the sometimes negative effect of multiple lots with uniform setbacks.

E. Repetition of building design. The same building design for single- and two-family dwellings shall not be utilized on more than two adjacent lots nor within 200 feet of another building of the same design. Building designs shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage locations, architectural style, materials, colors and details.

F. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any existing tree greater than four (4) inches in DBH, as well as existing stands of trees and tall shrubs and hedgerows along or near lot lines. In cases where trees are removed, their replacement shall be provided in accordance with Chapter 77.

G. Foundation plantings. The base of the front and sides of all single- and two-family dwellings shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet tall at time of planting and spaced an average of three (3) feet on center.

H. Replacement of dead plantings. The developer shall be required to replace dead or dying plant material for a period of two (2) years from the date of issuance of a final zoning permit for occupancy and shall post a maintenance guaranty for such pursuant to Article 58 of this chapter. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a non-planting season, it shall be replaced as soon as reasonably possible at the start of the next planting season.

SECTION 7. Article 46 (Tree Standards) in Part IV (Development and Design Standards) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 110-179 Applicability.

This article shall apply to all applications for development.

§ 110-180 Street trees.

The following standards shall be used to prepare and review any development plan:

A. Location and spacing. Street trees shall be provided at intervals of approximately 30 to 35 feet along each side of all streets, public or private, existing or proposed. In addition, the approving authority may also require additional street trees to be massed at critical points along the street, such as the visual termination of a curve in the roadway. On streets where healthy and mature street trees currently exist and are being preserved, such may count toward the requirement.

B. Planting placement. Street trees shall be planted a minimum of three (3) feet inside the sidewalk, on or near the right-of-way line or, if such location is not possible, in the planting strip, between the curb and the sidewalk (or where same would be located if they existed). On streets where existing street trees are consistently located at a certain location so as to form a line parallel to the street, street trees may be placed to continue this pattern. The placement and type of street trees shall be such so as not to interfere with below-grade utilities, roadways, sidewalks or streetlights.

C. Corner lots and driveways. No street tree shall be planted in a planting strip, between the curb and the sidewalk, within 25 feet of the intersecting curblines (or edges of pavement where no curbs exist) of an intersection or within 10 feet of a driveway apron.

D. Type. The species of street trees planted shall be selected from Attachment A contained within Chapter 77.

E. Size. Street trees shall be planted at a minimum size of two and a half (2 ½) inches in caliper at time of planting.

F. Borough Shade Tree Commission. In determining the number, location and type of proposed street trees, the Borough Shade Tree Commission may act in an advisory capacity to the approving authority.

G. If the Borough Zoning Officer or the approving authority determines that some or all of the street trees cannot be accommodated on or along the front of the subject premises, the applicant shall pay to the Shade Tree Commission the sum of \$500 per street tree required, to be used by the Shade Tree Commission for the planting of trees on public lands in the Borough.

H. Newly planted street trees shall be monitored for a period of one (1) year to ensure the health of the trees. If the street trees die within the one-year period, the developer/applicant shall replace the dead tree(s). The developer/applicant shall remain liable to replace trees, notwithstanding that the subject premises may have been conveyed to another person or entity.

§ 110-181 (Reserved)

§ 110-181.1 (Reserved)

§ 110-181.2 (Reserved)

§ 110-181.3 (Reserved)

§ 110-181.4 (Reserved)

§ 110-181.5 (Reserved)

§ 110-181.6 (Reserved)

§ 110-181.7 (Reserved)

§ 110-181.8 (Reserved)

§ 110-182 (Reserved)

SECTION 8. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 9. All prior ordinances, or any section, subsection, paragraph, sentence, clause or phrase of ordinances, inconsistent with the within ordinance are hereby repealed.

SECTION 10. This Ordinance shall take effect upon final passage and publication and filing with the County of Middlesex County Planning Board, according to law.

RESOLUTION 2024-266

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF SUPPORT AUTHORIZING THE
SUSTAINABLE JERSEY CLIMATE VULNERABILITY ASSESSMENT
TECHNICAL ASSISTANCE APPLICATION**

WHEREAS, the Borough of Metuchen aims to be a climate-ready community that is resilient to climate change; and

WHEREAS, a climate-ready community seeks to understand current and projected climate hazards affecting health, safety, infrastructure, property, and businesses so that appropriate actions may be implemented before hazard events occur to cause harm; and

WHEREAS, a climate-ready community seeks to optimize sustainability through improving quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Metuchen's Master Plan is aimed at guiding the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, the Borough of Metuchen strives to save tax dollars, assure clean land, air, and water, and improve working and living environments; and

WHEREAS, a Climate Change-Related Hazard Vulnerability Assessment is required by NJ law (N.J.S.A. 40:55D-28) to be included in the Borough of Metuchen's Master Plan Land Use Plan Element; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and, recognizing municipalities are interested in guidance on climate resilience, created a Guide to Local Climate Change Adaptation Planning; and

WHEREAS, Sustainable Jersey provides a Climate Vulnerability Assessment Technical Assistance Program for municipalities to use the Guide to Local Climate Change Adaptation Planning to complete a Climate Change-Related Hazard Vulnerability Assessment consistent with the NJ law;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Metuchen has determined that the Borough of Metuchen should apply for the aforementioned Climate Vulnerability Assessment Technical Assistance Program.

BE IT FURTHER RESOLVED that the Borough of Metuchen will commit to providing staff support for the duration of the Climate Vulnerability Assessment Technical Assistance project, including providing planning documents and relevant assessment data and supporting public events and opportunities to share and receive comment on the project; and

BE IT FURTHER RESOLVED that the Borough of Metuchen will commit to providing a professional planner to review the draft and final version of the Climate Change-Related Vulnerability Assessment for potential adoption into the municipal Master Plan Land Use Plan Element; and

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Metuchen, State of New Jersey, authorize the submission of the aforementioned application to Sustainable Jersey for Climate Vulnerability Assessment Technical Assistance.

RESOLUTION 2024-267

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING HCESC CONTRACT FOR HVAC
REPAIR/REPLACEMENT SERVICES-PUBLIC WORKS FACILITY**

WHEREAS, there exists a need to purchase and install new heating units at the Public Works facility for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, HVAC repair/replacement services is available through Hunterdon County Educational Services Commission Cooperative Purchasing Program HCESC-SER-21A HVAC Services; and

WHEREAS, the term of contract HCESC is from November 2, 2023 to November 2, 2024; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award for HVAC services -Purchase, Installation and Related Services from the Capital Bond Ordinance 2024-11, C-04-55-944-012 in the amount not to exceed sixty three thousand four hundred twenty two dollars and no cents (\$63,422.00); and

WHEREAS, the amount to complete the installation of new Public Works heating units is above the bid threshold as set by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq and is subject to vendor compliance with the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27; and

WHEREAS, Hunterdon County Educational Services Commission of New Jersey (HCESC) shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), N.J.A.C. 10:5-31 et seq and N.J.A.C. 17-27 and all other provisions of the revised statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to McCloskey Mechanical Contractors, Inc., 445 Lower Landing Road, Blackwood, NJ 08012.

RESOLUTION 2024-268

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AMENDING RESOLUTION 2024-59 AUTHORIZING STATE
CONTRACT PURCHASE FOR ROCK SALT AND TREATED SALT**

WHEREAS, by way of resolution 2024-59, the Mayor and Council of the Borough of Metuchen authorized the award to purchase treated rock salt for use during inclement weather for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, there exists a need to purchase treated rock salt for use during inclement weather for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract # T0213, 20-FLEET-01519, which was in effect until June 30, 2024, awarded to Morton Salt, Inc.; and

WHEREAS, State Contract T0213 was amended on June 13, 2024 to grant a 1st extension for Rock Salt, Treated Salt and Solar Salt – Statewide contract for the period July 1, 2024 to June 30, 2025; and

WHEREAS, the maximum amount of the purchase of treated rock salt and treated salt for the Borough of Metuchen remains authorized at \$ 25,000.00 and that there are sufficient funds for such award of which \$ 25,000.00 as certified by the Chief Financial Officer from the 2024 Temporary Budget and 2024 Adopted Budget, from Current Budget Account, Streets and Roads, Snow Control Materials, 4-01-26-765-176; and

WHEREAS, this authorization to purchase rock salt and treated salt expires on December 31, 2024; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve the continued use of the established purchase order to Morton Salt, Inc, 444 West Lake Street Suite 3000, Chicago, IL 60606.

RESOLUTION 2024-269

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AMENDING RESOLUTION 2024-99 AUTHORIZING SOMERSET COUNTY COOPERATIVE PRICING FOR ORIGINAL EQUIPMENT MANUFACTURED PARTS AND REPAIRS, HEAVY DUTY VEHICLES OVER 14,500 GVW – AIR BRAKE & EQUIPMENT

WHEREAS, by way of resolution 2024-99, the Mayor and Council of the Borough of Metuchen authorized the award for original equipment manufactured parts and repairs for Public Works heavy duty fleet vehicles over 14,500 GVW for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, there exists a need for original equipment manufactured parts and repairs, for Public Works heavy duty fleet vehicles over 14,500 GVW for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Somerset County Cooperative original equipment manufactured parts and repairs, for heavy duty vehicles over 14,500 GVW , Open-ended Contract #CC-0129-23, Cooperative Pricing Bid #2-SOCCP, First Year of a Two-Year Contract pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, this award authorization does not include purchase of over the counter parts for heavy duty Public Works fleet vehicles; and

WHEREAS, an amendment is needed to decrease the budgeted awarded authorization by fifteen thousand dollars and no cents (\$15,000.00) and to increase the authorization by ten thousand dollars and no cents (\$10,000.00); from Recycling Tonnage Grant funds – with the requirement that the grant funded portion of the authorization is to be used only for heavy duty vehicle(s) that are used for recycling purposes by the Borough; and

WHEREAS, said contract is the first year of a two-year contract for original equipment manufactured parts and repairs, for heavy duty vehicles over 14,500 GVW , Open-ended Contract #CC-0129-23, Co-operative Pricing Bid #2-SOCCP which was approved on December 12, 2023 by the Somerset County Board of County Commissioners is effective from December 12, 2023, to December 13, 2024; and

WHEREAS, the authorization to purchase under this award expires on December 13, 2024; and

WHEREAS, the maximum amount of the purchase original equipment manufactured parts and repairs, for Public Works heavy duty fleet vehicles over 14,500 GVW for the Borough of Metuchen is amended to a total of thirty five thousand dollars and no cents (\$35,000.00) and that there are sufficient funds for such award as certified from the 2024 Temporary Budget and 2024 Adopted Budget, designated from Streets & Roads-Vehicle Maintenance & Repair, 4-01-26-765-025 in the amount of twenty five thousand dollars and no cents (\$25,000.00), and ten thousand dollars and no cents (\$10,000.00) from

Recycling Tonnage Grant G-02-41-770-304 with restrictions for these services; and

WHEREAS, the County of Somerset, New Jersey shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to amend and forward a Purchase Order to Air Brake & Equipment, Truck/Auto & Equipment Warehouse, 225 Route 22 West, Hillside, NJ 07205-1832.

RESOLUTION 2024-270

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2024 in the sum of \$2,419.64, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,419.64.

BE IT FURTHER RESOLVED that the like sum of \$2,419.64 is hereby appropriated under the caption Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Division of Criminal Justice in the amount of \$2,419.64.

RESOLUTION 2024-271

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2024 in the sum of \$1,860.69, which is now available from the U.S. Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership in the amount of \$1,860.69.

BE IT FURTHER RESOLVED that the like sum of \$1,860.69 is hereby appropriated under the caption Federal Bulletproof Vest Partnership Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership in the amount of \$1,860.69.

RESOLUTION 2024-272

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2024 in the sum of \$250,000.00, which is now available from the New Jersey Department of Community Affairs for a FY25 Legislative Grant for Colonial Cemetery Restoration and Repairs, in the amount of \$250,000.00.

BE IT FURTHER RESOLVED that the like sum of \$250,000.00 is hereby appropriated under the caption New Jersey Department of Community Affairs for a FY25 Legislative Grant Colonial Cemetery Restoration and Repairs; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Department of Community Affairs for a FY25 Legislative Grant Colonial Cemetery Restoration and Repairs in the amount of \$250,000.00.

RESOLUTION 2024-273

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Metuchen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget in the year 2024 in the sum of \$22,132.89 National Opioid Settlement.

BE IT FURTHER RESOLVED that the like sum of \$22,132.89 is hereby appropriated under the caption National Opioid Settlement; and

BE IT FURTHER RESOLVED that the above is the result of funds from National Opioid Settlement Funds in the amount of \$22,132.89.

RESOLUTION 2024-274

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION TO CANCEL AND REFUND 2024 TAXES AS A RESULT OF
COUNTY TAX APPEALS**

WHEREAS, successful County Tax Appeal judgments were awarded to each of the block and lot parcels described below, changing the assessed values for 2024 as follows; and

WHEREAS, the reduction in taxes can be applied to the open tax balance due for 2024.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, that the Tax Collector be and is hereby authorized to reduce the 2024 tax billings on the following properties due to the successful County Tax Appeals including amendments, in the amount of \$25,595.38 and refund the resulting overpayments due to the successful County tax appeal in the amount of \$805.87.

Block/Lot/Qual	Address	Assessment Reduction	Total Tax Reduction	Reduction to 2024 Levy	Overpayment for Refund
29/1.07	36 Middlesex Avenue	140,100	9,743.96	8,938.09	805.87
29/1.08	40 Middlesex Avenue	69,000	4,798.95	4,798.95	
114/17.05	439-443 Main Street	35,000	2,535.05	2,535.05	
117/57.01	472-474 Main Street	42,300	3,063.79	3,063.79	
141.01/95.02	93 Rose Street	90,000	6,259.50	6,259.50	

RESOLUTION 2024-275

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION TO REFUND ESCROW BALANCE

WHEREAS, the Planning Board Office has requested that the following escrow account be closed, and the balance be refunded to the depositor; and

WHEREAS, the Planning Board Office has contacted the Board Planner and Attorney for authorization to release the funds and determine the project is closed; and

WHEREAS, the Planning Board Office has provided a list to the Chief Finance Officer with a sign-off from the Board Professionals, that the following escrow project is complete and can be closed, and that no further billing from the professionals for this project will be paid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen for the Chief Financial Officer/Tax Collector is instructed to refund, in the amount indicated, the following escrow balance to the depositor, as the project has been determined to be closed:

ESCROW ACCOUNT	AMOUNT	DEPOSITOR
22-1322 E	924.39	LePore Realty, LLC 257-267 Central Avenue

RESOLUTION 2024-276

*Borough of Metuchen
County of Middlesex
State of New Jersey*

REFUND OF OVERPAYMENT OF 2024 TAXES

WHEREAS, the following has made an overpayment of taxes:

Name	Block/Lot	Address	Amount		Year
Akkapeddi, Pallavi/ Poliru, Srinvas	155/24	1 Poets Lane	\$3,193.33	Duplicate payment be property owner	2024, 3rd qtr

NOW, THEREFORE, BE IT RESOLVED that the above listed property owner or agent be refunded property taxes as described in the amount of \$3,193.33.

RESOLUTION 2024-277

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING THE REFUND OF
RECREATION TRUST PROGRAM FEES**

WHEREAS, the fees collected for attendance at various Borough of Metuchen Recreation Commission events and camps were collected in 2024; and

WHEREAS, the Girl's Basketball Clinic: 3rd-5th Grades program was cancelled or rescheduled; and

WHEREAS, the fees collected are requested by the Recreation Director to be refunded, as detailed in the below schedule.

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer be authorized to process a refund in the amount of \$60.00 as described, from the Recreation Trust account.

Parent:	Participant:	Amount Refunded:
Xingzhi Yu	Nora Wang	\$60.00

RESOLUTION 2024-278

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn, and all bills be paid totaling \$4,615,549.89.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO