

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF MAY 18, 2021

#### I. INTRODUCTION

Meeting was called to order at 7:00 pm by Council President Michael dePierro who read the following statement into the record:

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 2020 where it has remained posted since that date. A legal notice appeared in the *Daily Record* and the *Newark Star Ledger* on December 22, 2020 and was forwarded by fax to other local newspapers and local radio stations on December 18, 2020.

A flag salute occurred followed by roll call with the following answering roll call; Council member Carifi, Council member Gragnani, Council member McCarthy, Council member Peterson, and Council President dePierro. Other members of the administration present at the meeting; Mayor Michael Soriano, Business Administrator Frederick Carr, Township Attorney James Lott, CFO Juan Uribe, and Township Clerk Khaled Madin

#### UPCOMING MEETINGS:

- |                        |                 |
|------------------------|-----------------|
| 1. 6/1/21 @ 7:00 p.m.  | Agenda Meeting  |
| 2. 6/15/21 @ 7:00 p.m. | Regular Meeting |

#### II. PRESENTATION(S)/REPORTS

- A. MAYOR – **Mayor Soriano** thanked the Business Administrator, CFO and Financial Committee for their work on the Budget. Parsippany Pantry needs help with non-perishable foods and monetary donations. Covid vaccine numbers; 63% of the Township’s population has received their first dose, which does not reach the 70% needed for herd immunity. Memorial Day Ceremony will be held with a combination of live and pre-recorded.

Mayor Soriano read the LGBTQ+ Pride Month Proclamation into the record.

#### B. TOWNSHIP COUNCIL

**Ms. McCarthy** stated that the Finance Committee met with BA Carr, CFO Uribe and the Township Auditor for clarification on the \$5M special emergency loan and the budget. Outstanding issues are being clarified with the State Division of Local Government Services to determine whether or not the Township can borrow the \$5M.

The borrowing decision is pending the State. The Resolution on the Agenda is tabled again by the Council pending clarification. Any amount allowed is only related to Covid-19 expenses only. As of today, Parsippany does not have the 2021 Budget, so there is no budget for the Council to approve. Comments at the last Council meeting regarding the Township Auditor submitting an incorrect AFS, were not accurate.

The Finance Committee consists of the following members; Ms. McCarthy, Ms. Gragnani, Township Administration and the Township Auditor.

C. TOWNSHIP ATTORNEY

**Mr. Lott** stated that he has a closed session item as well as two technical amendments to offer to Ordinance 2021:08. First technical correction is to delete the erroneous reference to regulated impervious surface in Section 225:97 Q to A. Remove the words, regulated impervious surface, as they are unnecessary. Second technical correction involves comments received from the Planning Board and further evaluation by the Township Engineer changing the threshold of minor development to 500 sq. feet from 400 sq. feet.

**Mr. dePierro** stated another item recommended by the Planning Board regarding impervious coverage, a wooden deck with slats with space between them is considered impervious coverage. Asking for this to be changed or modified. Issue for residents is an addition of a deck is currently a violation therefore need to go before the Planning Board.

D. BUSINESS ADMINISTRATOR

**Mr. Carr** stated that the Township buildings open, Monday the 24<sup>th</sup> of May, for public access. Residents are asked to mask and to employ social distancing. Recommends making an appointment with the department whenever possible. Travel ban has been lifted, vaccinated and unvaccinated can travel at will without quarantine.

E. TOWNSHIP CLERK

**Mr. Madin** thanked the PAL and staff for setting up and supporting the meeting.

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – No Report

G. CORRESPONDENCE

**III. BIDS**

A. Taken

1. 4/8/21 – One New 2021 Type III, Class I Modular Ambulance for Parsippany Volunteer Ambulance Squad

2. 4/15/21 – Edwards Road Improvements Program
3. 4/21/21 – One New Air Compressor for Water Department
4. 4/22/21 – Craftsman Farms White Cottage Phase I Rehabilitation
5. 5/5/21 – Supplying Various Materials for Various Township Departments
6. 5/13/21 – Lease of Public Property

B. To Be Taken

1. 5/19/21 - Construction of Peracetic Acid Storage Tank and Metering Station
2. 5/20/21 – Various Parks Court Resurfacing/Renovation Projects for the Parsippany Parks Department
3. 5/25/21 – Puddingstone Heights Road Reconstruction Program Phase I

C. Quotation(s)/Proposal(s)/Qualification(s)

1. 5/19/21 – Fireworks Display Services
2. 5/28/21 – Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at Knoll Country Club

#### IV. PUBLIC HEARING

Council President dePierro entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member Carifi, seconded by Council Member Gragnani.

**ROLL CALL** with all the Council Members answering Yes

**Nicholas Homyak – 26 Oneida** – on behalf of Ken Dolsky thanked the Council for placing the resolution to oppose the Forest Management bills on the agenda. Asked for an update on the Knoll and the river friendly has other suggestions. Stated not enforcing the plastic bag ban was a mistake. **Mr. dePierro** responded that the Knoll Golf Club season opened on April 1<sup>st</sup> without a caterer/concession, therefore there is no recycling at this time.

**Mike McQueeney – Law Firm Foley Hoag on behalf of client at 100 Jefferson Road (Heritage Capital Mgmt)** - Ordinance 2021:10, asking Township not to pass the ordinance prohibiting the operation of any cannabis establishment. **Mayor Soriano** responded that the Council is made of a diverse group representing the Township. A cannabis working group was created including Council President dePierro, Council member McCarthy and Mayor Soriano.

The group is considering allowing some cannabis use, Township is not ready for retail, however use 3 & 4 were agreed upon and was a compromise. Concerned with location of businesses, not in neighborhoods or near schools, very limited locations. Looking at empty warehouse space for packaging and shipping.

**Bob Venezia – 102 Brooklawn Drive** – comments regarding the cannabis ordinance, agrees that most business could be allowed except for retail. Asking for an ordinance to specifically not allowing retail cannabis businesses in Parsippany. What is the estimated revenue loss due to Covid for the Township? **CFO Uribe** responded that the shortfall due to Covid is \$3.5M dollars.

**James Barberio - 137 Minnehaha Blvd** – questioning when the Council received the budget. How is the Township going to pay back the loan and what is the time period for the payback? If no loan what will the levy tax increase be for the residents? **Mr. dePierro** stated the budget was received on April 13<sup>th</sup>. **Mr. Carr** responded that there was a meeting with the Township Auditor and the Finance Committee last night. Met with the DCA this morning and there is a path forward. At this time, we do not have answers to those specific questions as we are awaiting those numbers.

Seeing no one else come forward to speak, Council President dePierro entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi, and seconded Council Member Peterson.

**ROLL CALL** with all the Council Members answering Yes

## **V. BUDGET**

### **A. SECOND READING & PUBLIC HEARING**

#### **1. ORDINANCE 2021:09**

**SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$5,000,000 CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES SET FORTH IN N.J.S.A. 40A:453(L) AND/OR N.J.S.A.40A:4-53(M) - TABLED**

The Notice for Ordinance 2021:09 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on April 26, 2021. The Ordinance was introduced at the April 20, 2021 Regular Meeting.

Motion to accept Ordinance 2021:09 to be heard in its second and final reading by title only for discussion only, by Council member Peterson, seconded by Council member Gragnani.

**ROLL CALL** with all Council members answering Yes.

**Mr. dePierro** stated that the Council is being asked to approve a budget that is not balanced or statutorily correct and criticized Mayor Soriano and his budget

practices over the past several years. Ordinance 2021:09 to be tabled again at this time.

Council President dePierro entertained a motion to table Ordinance 2021:09 until the next meeting, motion made by Council member Carifi, seconded by Council member Gragnani.

**ROLL CALL** with all Council members answering Yes.

## **VI. ORDINANCES**

### A. INTRODUCTION

None

### B. SECOND READING & PUBLIC HEARING

#### 1. **ORDINANCE 2021:08**

#### **AMENDING CHAPTER 225, LAND USE, SUBDIVISION AND SITE PLAN, TO CREATE ARTICLE XVI RELATED TO STORMWATER MANAGEMENT CONTROLS**

Council President dePierro entertained a motion to accept Ordinance 2021:08 be heard in its second and final reading by title only. Motion made by Council Member Gragnani, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes.

**WHEREAS**, the Township of Parsippany-Troy Hills is obligated to implement ordinances that are consistent with its Tier A Stormwater General Permit as required by regulations adopted by the New Jersey Department of Environmental Protection; and

**WHEREAS**, the NJDEP model stormwater management ordinance establishes the minimum stormwater management requirements; and

**WHEREAS**, the Township seeks to adopt greater stormwater controls, as appropriate, which will provide significant water quality and flood risk reduction benefits to the Township and its residents; and

**WHEREAS**, the provisions of the within ordinance are intended to supplement existing requirements.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey, that Chapter 225, entitled “Land Use, Subdivisions and Site Plans,” of the Township Code be and hereby is amended to incorporate the following provisions:

**SECTION 1.** Chapter 225, entitled “Land Use, Subdivisions and Site Plans,” of the Township Code be and is hereby amended to create new Article XVI, entitled “Stormwater Management Controls,” as follows:

**Article XVI Stormwater Management Controls**

**§ 225-94 Scope and Purpose.**

A. Policy Statement. As municipalities throughout New Jersey are developed, impervious surfaces create increased amounts and rates of stormwater runoff during precipitation events. This runoff picks up large amounts of pollutants that collect on parking lots, roadways, rooftops, and other paved or hardened surfaces, and then flows through stormwater conveyances to our streams, rivers, and beaches. The increased runoff rate and volume also lead to erosion and flooding in and downstream of developed areas.

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

GI BMPs and LID practices not only address stormwater runoff but may also result in multiple benefits, including providing open space and beautifying neighborhoods, cooling and cleansing the air, reducing asthma and heat-related illnesses, and saving on heating and cooling energy costs.

B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development” and “minor development” as defined below in §225-95.

The requirements of this ordinance are intended not only to meet, but also to exceed the design and performance standards found in the New Jersey Stormwater Management Rules at N.J.A.C. 7:8. The environmental objectives of these requirements are to reduce pollution in waterways from stormwater runoff, reduce flooding and streambank erosion, and enhance groundwater recharge.

C. Applicability

(1) This Article shall be applicable to the following major and minor developments:

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

- (2) This ordinance shall also be applicable to all major and minor developments within the Township of Parsippany-Troy Hills.
- (3) This Article shall also be applicable to all major and minor developments as applicable under §225-94.C.1. and §225-94.C.2., whether public or private.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this Article 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 Article 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 Article 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.

**§ 225-95 Definitions.**

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

**COMMUNITY BASIN**

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

**COMPACTION**

The increase in soil bulk density.

**CONTRIBUTORY DRAINAGE AREA**

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

**CORE**

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

**COUNTY REVIEW AGENCY**

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

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

**DEPARTMENT**

The Department of Environmental Protection.

**DESIGNATED CENTER**

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

**DESIGN ENGINEER**

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

**DEVELOPMENT** 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**

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

**DRAINAGE AREA**

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

**ENVIRONMENTALLY CONSTRAINED AREA**

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

**ENVIRONMENTALLY CRITICAL AREA**

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

**EMPOWERMENT NEIGHBORHOODS**

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

**EROSION**

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

**GREEN INFRASTRUCTURE**

A stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

**HUC 14 OR HYDROLOGIC UNIT CODE 14**

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

**IMPERVIOUS SURFACE**

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

**INFILTRATION**

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

**LEAD PLANNING AGENCY**

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

**LOW IMPACT DEVELOPMENT** means a development approach that uses practices to manage stormwater close to its source that results in or mimics that of natural hydrologic processes in order to preserve hydrologic and ecologic functions of receiving waters, such as preservation of natural landscape features, minimizing impervious surfaces, infiltration, evapotranspiration, or other use of stormwater.

### **MAJOR DEVELOPMENT**

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

1. The disturbance of 1 or more acres of land since February 2, 2004;
2. The creation of ¼ acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of ¼ acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of ¼ acre or more. The same surface shall not be counted twice when determining if the combination area equals the threshold area.

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

### **MINOR DEVELOPMENT**

An individual “development,” as well as multiple developments that individually or collectively result the creation of 500 square feet net increase in impervious area or disturbs 5,000 square feet or more of land area but do not meet the definition for “Major Development.” Additionally, any development that increases impervious areas over that which is permitted by the zone.

### **MOTOR VEHICLE**

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

### **MOTOR VEHICLE SURFACE**

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

**MUNICIPALITY**

Any city, borough, town, township, or village

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

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, 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 §225-97.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**

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

**NUTRIENT**

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

**PERSON**

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

**POLLUTANT**

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

**RECHARGE**

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

**REGULATED IMPERVIOUS SURFACE**

Any of the following, alone or in combination:

1. Impervious surface within the project area limit of disturbance;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

**REGULATED MOTOR VEHICLE SURFACE**

Any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

**SEDIMENT**

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

**SITE**

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

**SOIL**

All unconsolidated mineral and organic material of any origin.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)**

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

**STATE PLAN POLICY MAP**

The geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

**STORMWATER**

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

**STORMWATER MANAGEMENT BMP**

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

**STORMWATER MANAGEMENT MEASURE**

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

**STORMWATER RUNOFF**

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

**STORMWATER MANAGEMENT PLANNING AGENCY**

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

**STORMWATER MANAGEMENT PLANNING AREA**

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

**URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD**

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

**URBAN ENTERPRISE ZONES**

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

**URBAN REDEVELOPMENT AREA**

Previously developed portions of areas:

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

3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

### **WATER CONTROL STRUCTURE**

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

### **WATERS OF THE STATE**

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

### **WETLANDS OR WETLAND**

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

### **§ 225-96 Design and Performance Standards for Stormwater Management Measures**

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

**§ 225-97 Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §225-104.
- 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 muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §225-97.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 §225-97.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 §225-97.O, P, Q and R to the maximum extent practicable;
  - (3) The applicant demonstrates that, in order to meet the requirements of §225-97.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 §225-97.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §225-97.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 §225-97.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](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.

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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found following pages)

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

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found below)*

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §225-97.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at §225-95;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §225-95.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at §225-97.O only if the measures meet the definition of green infrastructure at §225-95. Alternative stormwater management measures that function in a similar manner to a BMP listed at §225-97 O.2 are subject to the contributory drainage area limitation specified at §225-97 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 §225-97 O.2 shall have a contributory drainage area less than or equal to 1.0 acre, 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 §225-97.D is granted from §225-97.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §225-102.C;
  - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

- (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §225-102; and
  - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §225-95 may be used only under the circumstances described at §225-97.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at §225-95 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §225-97.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §225-97.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Morris County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §225-97.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 §225-104.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.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §225-97 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 Morris County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with subsection 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 subsection M above.

O. Green Infrastructure Standards

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at §225-97.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §225-97.F. and/or an alternative stormwater management measure approved in accordance with §225-97.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
Dry Well	0.75 acres
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at §225-97.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 §225-97.G.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §225-97.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 225-97.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §225-97.P, Q and R.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the

entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §225-97.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §225-97.D.

P. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for onsite retention and groundwater recharge for Major Developments as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff, onsite retention, and groundwater recharge calculations at §225-99, the following criteria that results in the greatest infiltration volume:
  - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated; ~~or~~
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- (4) The following types of stormwater shall not be recharged:
  - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; byproducts; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in the creation of  $\frac{1}{4}$  acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from regulated motor vehicle surfaces.
  - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

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

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

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

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

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

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

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §225-97.P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at 225-99, complete one of the following:

- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - (c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 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.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

**§ 225-98 Stormwater Management Requirements for Minor Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a minor development in accordance with §225-104. Single lot, single family properties do not need to submit a maintenance plan, but shall maintain their stormwater management measures in accordance with the maintenance guidelines described in the NJDEP BMP Manual. Single lot, single family properties are exempt from the soil testing requirements.
- B. This subsection contains the minimum design and performance standards for Minor Developments as follows:
- C. The design shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at 225-99, the following criteria:
  - (1) Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
  - (2) Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of

existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices. Test pits shall be excavated, inspected and approved by the Municipal Engineer for suitability of the seepage pit.

- (3) Other Measures – Green Infrastructure: Alternative methods of stormwater management are acceptable as long as the calculations are based on the capacity to retain 3” of runoff per square foot of impervious surface or other approved calculations such that the BMPs meet the intent for runoff control. Other BMPs include but are not limited to the following: Infiltration chambers, rain gardens, infiltration beds, rain water harvesting. All proposed methods must be approved by the Township Engineer.
- (4) All underground roof leader pipes shall be constructed using perforated pipe and placed in a stone bed in accordance with Township Engineering details unless otherwise directed by the Township Engineer.

**§ 225-99 Calculation of Stormwater Runoff, Onsite Retention, and Groundwater Recharge:**

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

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

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at §225-99.A. 1.a and the Rational and Modified Rational Methods at §225-99.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least 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/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 2901, Trenton, New Jersey 08625-0420.

- C. Onsite Retention Volume. Onsite retention volume shall be calculated as the prescribed depth of precipitation over all impervious surfaces proposed as part of a major development.

$$\text{Onsite retention volume (ft}^3\text{)} = \text{Precipitation Depth (in)} \times (1 \text{ ft} / 12 \text{ in}) \times \text{Impervious Area (ft}^2\text{)}$$

**§ 225-100 Sources for Technical Guidance.**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

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

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

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

**§ 225-101 Solids and Floatable Materials Control Standards**

- A. Site design features identified under §225-97.F above, or alternative designs in accordance with §225-97.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 §225-101.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:
  - (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- (2) The standard in A.1. above does not apply:
- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - (i) 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
    - (ii) A bar screen having a bar spacing of 0.5 inches.

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

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:47.2(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.

**§ 225-102 Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §225-102.C.1, §225-102.C.2, and §225-102.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:
    - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
  - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
    - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
  - (3) Stormwater management BMPs shall include escape provisions as follows:

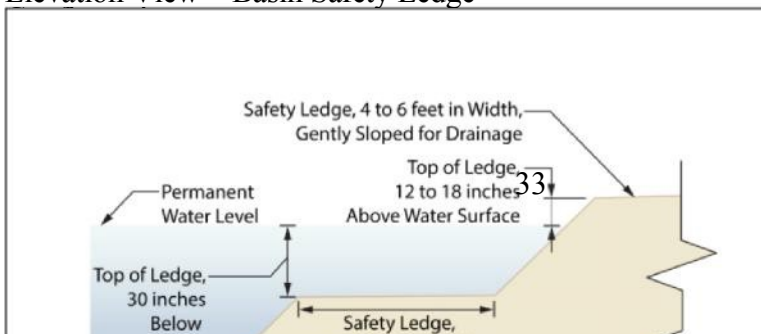
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §225-102.C, a free-standing outlet structure may be exempted from this requirement;
- (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half 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 §225-102.E for an illustration of safety ledges in a stormwater management BMP; and
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge



**§ 225-103 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 §225-103.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 5 copies of the materials listed in the checklist for site development stormwater plans in accordance with §225-103.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, if present: 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 §225-96 through 225-98 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 §225-97 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 §225-104.

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

§225-103.C.1 through 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.

## **§ 225-104 Maintenance and Repair**

### **A. Applicability**

Projects subject to review as in §225-94.C of this ordinance shall comply with the requirements of §225-104.B and C.

### **B. General Maintenance**

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development or minor development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Maintenance plans shall be provided for all developments permitted after February 1, 2004.
- (5) 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.
- (6) If the party responsible for maintenance identified under §225-104.B.3 above is not a public agency, the maintenance plan and any future revisions based on §225-104.B.7 below shall be recorded with the Morris County Clerk upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under §225-104.B.3 above shall perform all of the following requirements:
  - (a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §225-104.B.6 and B.7 above; and
  - (d) shall submit inspection reports and maintenance logs to the Township Engineer before June 1 of each year; and
  - (e) in instances where a maintenance plan has not been created, the owner shall ensure that the stormwater facilities are inspected annually by a competent professional i.e. Professional Engineer, Landscape Architect, or other environmental professional with experience in stormwater systems and as approved by the Township Engineer.
  - (f) Inspection, maintenance and repair submissions in this section apply to all stormwater management systems constructed after February 7, 1984, as referenced in N.J.A.C. 7:14A – Tier A Municipal Stormwater General Permit.
- (8) The requirements of §225-104.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. In all other cases where the Township does not take responsibility for repair and maintenance of the stormwater management resources, the applicant 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](https://www.njstormwater.org/maintenance_guidance.htm).

- (9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) 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 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 or minor development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

## **§ 225-105    Violations and 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 general penalty provisions set forth in Chapter 1-17 of the Township Code.

**SECTION 2.** Chapter 225-64(L) of the Township Code, entitled “Storm Drainage,” be and is hereby repealed in its entirety.

**SECTION 3.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

The Notice for Ordinance 2021:08 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on April 14, 2021 and introduced at the April 6, 2021 Agenda Meeting.

Township Clerk Khaled Madin entertained a motion to accept Ordinance 2021:08, be heard in its second and final reading by title only. Motion made by Council Member Carifi, seconded by Council member Peterson.

**ROLL CALL** with all Council members answering Yes

## **2. ORDINANCE 2021:10**

**ESTABLISHING CHAPTER 77 PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 430 ZONING, OF THE CODE ADDING CANNABIS BUSINESSES TO THE LIST PROHIBITED USES IN ALL ZONE DISTRICTS - TABLED**

Council President dePierro entertained a motion to table Ordinance 2021:10 at this time, motion made by Council member Carifi, seconded by Council member McCarthy.

**ROLL CALL** with all Council members answering Yes.

3. **ORDINANCE 2021:11**

**AMENDING AND SUPPLEMENTING CHAPTER 290-4 AND A445-37 OF THE CODE RELATED TO KNOLL COUNTRY CLUB UTILITY FEES**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) finds that it is the best interests of the Township to revise the fee provisions applicable to the Knoll Country Club Utility.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Parsippany-Troy Hills, in Morris County, State of New Jersey as follows:

**SECTION 1.** Chapter 290, PARKS, RECREATION AREAS AND PUBLIC LANDS, §290-4, Knoll Country Club Utility Fees, and Chapter A445, FEES COMPILATION, §A445-37, Knoll Country Club Utility, of the Township Code of the Township of Parsippany-Troy Hills are hereby amended as follows:

**Knoll West Other Fee Schedule (C10)**

Add new Subsection (4) and renumber remaining sections as Subsection (5) to (6).

(4) The rate of \$50.00/person shall be paid for Non-Members participating in the Ladies 9-hole or 18-hole leagues. Ladies 9-hole or 18-hole leagues shall be scheduled at the discretion of the Director of Golf so as not to interfere with regular member play. Standard rates for Green Fees, carts and other fees will be charged. This fee applies to League Play only. League members have no other rights or golf privileges afforded to members.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The Notices for Ordinance 2021:11 were published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on April 26, 2021 and was introduced at the April 20, 2021 Regular Meeting.

Township Clerk Khaled Madin entertained a motion to accept Ordinance 2021:11 be heard in its second and final readings by title only. Motion made by Council Member Peterson, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes

a. PUBLIC HEARING

Motion to open the public hearing for Ordinances 2021:08 by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with Council members answering Yes

**Nick Homyak – 26 Oneida** – concerned with the streets; stormwater will carry any debris therefore streets need to be clean.

**Council member McCarthy** questioning if the Ordinance includes the changes proposed. **Mr. Lott** responded the changes are two technical amendments; (1) deleting an erroneous reference and (2) addressing the Planning Boards comments where the threshold for minor development would be a proposed change from 400 sq. feet to 500 sq. feet.

**Town Engineer Justin Lizza** gave an overview of the ordinance and answered the technical questions.

**Council President dePierro** requested that the Township Engineer review the Ordinance in regards to impervious coverage, specifically decks.

Motion to close the public hearing for Ordinance 2021:08 made by Council member McCarthy, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes.

**WHEREAS**, the above ordinance was read in title on second reading and a hearing held thereon;

**NOW, THEREFORE, BE IT RESOLVED** that said ordinances be passed on final reading and that Notices of Final Passage of said ordinances be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:08 by Council member McCarthy, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes

Council President dePierro entertained a motion to open the public hearing for Ordinances 2021:11. Motion made by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with Council members answering Yes

Seeing no one Township Clerk Madin entertained a motion close the public hearing for Ordinance 2021:11. Motion made by Council member Carifi, seconded by Council member McCarthy.

**ROLL CALL** with all Council members answering Yes.

**WHEREAS**, the above ordinance was read in title on second reading and a hearing held thereon;

**NOW, THEREFORE, BE IT RESOLVED** that said ordinances be passed on final reading and that Notices of Final Passage of said ordinances be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:11 by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with all Council members answering Yes

## VII. NON-CONSENT AGENDA

### A. RESOLUTIONS

#### 1. **R2021-095 Authorizing the Mayor to Execute Deed Notices for Flood Hazard Area Verification Approval and Letter of Interpretation from the NJ Department of Environmental Protection, Authorizing the Recording and Filing of the Deed Notices**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) has received: 1) a Flood Hazard Area Verification Approval dated October 21, 2020 (“Flood Hazard Area Approval”); and 2) a Letter of Interpretation: Line Verification-Portion of a Site dated March 10, 2021 (“Letter of Interpretation”) from the New Jersey Department of Environmental Protection (“NJDEP”) concerning the Township’s Replacement Well 1A-R project on property owned by the Township (Block 411, Lots 24.01 and 24.02), NJ DEP File No. 1429-03-0008.2 (together, “the NJDEP Approvals”); and

**WHEREAS**, the Township’s Water Superintendent, in consultation with Suburban Consulting Engineers, Inc. (“Suburban Engineers”), had submitted the required documentation to the NJDEP in order to obtain the NJDEP Approvals; and

**WHEREAS**, the terms of the Flood Hazard Area Approval and Letter of Interpretation require the Township to submit both NJDEP Approvals, with appropriate documentation, to the Clerk of Morris County for recording; and

**WHEREAS**, the Morris County Clerk has informed the Township that the submission of the NJDEP Approvals and supporting documentation must be in the form of a Deed Notice for each NJDEP Approval; and

**WHEREAS**, the NJDEP Approvals require that proof of the recording of the Deed Notices be forwarded to the NJDEP.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Mayor is hereby authorized to execute Deed Notices for the Flood Hazard Area Approval and the Letter of Interpretation, upon the recommendation of the Water Superintendent and Township Attorney, on behalf of the Township.

**BE IT FURTHER RESOLVED**, that the Water Superintendent and Township Attorney are authorized to record and file the Deed Notices with the Morris County Clerk.

**BE IT FURTHER RESOLVED**, that the Water Superintendent and Suburban Engineers, as appropriate, in consultation with the Township Attorney, are authorized to submit proof of the recording of the Deed Notices to the NJDEP. The Township Council hereby authorizes and approves any non-substantive modifications to the Deed Notices as may be recommended and approved by the Township Business Administrator and the Township Attorney prior to execution.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Motion to approve the Resolution above by Council member Peterson, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes

**2. R2021-096 Endorsing Application to Morris County Board of Commissioners for the Installation of a Replacement Public Community Water Supply Well No. 20 as a Minor Diversion**

**WHEREAS**, the Township of Parsippany-Troy Hills is the owner in fee simple of the certain real property designated as Block 736, Lot 9.01 on the official tax map of the Township (the "Property"); and

**WHEREAS**, the Property is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's ("NJDEP") Green Acres Program; and

**WHEREAS**, the Property is further restricted as open space lands preserved, in part, with funding assistance from the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund as part of the Smith Road Sheep Farm (Block 736, Lots 9.01 and 9.02) in 2005; and

**WHEREAS**, the Township seeks to install a Replacement Public Community Water Supply (“PCWS”) Well No. 20 on a portion of the Property to replace an existing PCWS that is no longer able to perform as a significant supply source for the municipal water supply system; and

**WHEREAS**, the PCWS Well No. 20 represents a continued public use of the Property and will provide a vital water supply to the residents of the Township; and

**WHEREAS**, the Township has applied to the NJDEP Green Acres Program for approval for the installation of Replacement Well No. 20 on the Property as a minor diversion of parkland under *N.J.A.C 7:36-26*; and

**WHEREAS**, the Township has also applied to the Morris County Board of County Commissioners for approval for the installation of Replacement Well No. 20 as a minor diversion in accordance with the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund Rules; and

**WHEREAS**, the Township shall pay compensation to the County in the amount of \$11,619, or such other amount as negotiated between the Business Administrator and the County, for the proposed minor diversion in accordance with the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund Rules.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey that the Township hereby endorses the filing of an application to the Morris County Board of County Commissioners for approval for the installation of Replacement Well No. 20 on Block 736, Lot 9.01 as a minor diversion in accordance with the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund Rules. The Township shall pay compensation to the County in the amount of \$11,619, or such other amount as negotiated between the Township Business Administrator and the County, for the proposed minor diversion in accordance with said Rules.

**BE IT FURTHER RESOLVED**, that the Township Council hereby ratifies and approves of all prior actions taken on behalf of the Township in furtherance of this Resolution.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Motion to approve the Resolution above by Council member Peterson, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes

## **VIII. CONSENT AGENDA**

**BE IT RESOLVED**, all items listed with an asterisk (\*) are routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of

these items unless a Council Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Council member Gragnani, seconded by Council member Carifi.

**ROLL CALL** with Council members answering Yes

**Mr. Carr** has requested that R2021-085 Authorizing the Sustainable Jersey 2021 EDF Climate Corps Program Application be pulled as the Township was denied in the application as monies were awarded to someone else. Other questions regarding the resolutions were addressed.

A. RESOLUTIONS

**1. R2021-075\*Authorizing Letter of Support Supporting the Release of the Current HFMA Lien or Other Restriction on the Property in the Amount of \$250,000 and Township's Willingness to Supplement Additional Funding from the Township's Affordable Housing Trust Fund**

**WHEREAS**, the Township of Parsippany-Troy Hills Approved Amended Affordable Housing Trust Fund Spending Plan (the "Spending Plan") provides an allocation for and authorizes the use of funds from the Affordable Housing Trust Fund, for among other things, use towards the purchase of homes that will be used as group homes for the special needs population; and

**WHEREAS**, Advancing Opportunities, Inc., and its contactor, Nouvelle, LLC (collectively referred to herein as "Advancing Opportunities"), has requested that the Township consider supplementing additional funding in the amount of \$175,000 from the Township's Affordable Housing Trust Fund to be used towards the demolition of the existing structure and construction of a group home for the special needs population on the property located at 112 Hiawatha Boulevard (Block 518, Lot 25) (the "Property"); and

**WHEREAS**, Advancing Opportunities has represented that the existing structure located on the Property is vacant. The structure is in disrepair and has suffered a great deal of damage due to a tree falling on the structure; and

**WHEREAS**, the use of such funds as requested by Advancing Opportunities from the Affordable Housing Trust Fund for the stated purpose would be consistent with the Spending Plan, which Plan anticipates the expenditure of such funds by the Township each year to ensure that the Township meets its affordable housing obligations and goals; and

**WHEREAS**, adequate funds are available in the Affordable Housing Trust Fund for such use by Advancing Opportunities; and

**WHEREAS**, the Township Council wishes to indicate its willing to supplement additional funding in the amount of \$175,000 from the Township's Affordable Housing Trust Fund to Advancing Opportunities for use towards the construction of a group home with four (4)

bedrooms for the special needs population on the Property; and

**WHEREAS**, by Resolution 2013-41, the Township Council previously approved the release of up to \$250,000 from the amounts the Township had funded to New Jersey Housing Mortgage Finance Agency (“HMFA”) under the Special Needs Housing Partnership Program administered through the New Jersey Department of Community Affairs and New Jersey Department of Human Services for use by the predecessor Property owner for the acquisition of the Property and rehabilitation of the existing structure on the Property as a group home for the special needs population; and

**WHEREAS**, in connection with this request, Advancing Opportunities has also requested that the Township provide a letter indicating its support to the HMFA to release the current lien or other restriction on the Property associated with that funding; and

**WHEREAS**, recognizing the redevelopment of the Property and construction of a group home, along with the imposition of a new affordability restriction on the Property, the Township Council desires to authorize the Township Business Administrator or his designee to send said letter of support to the HFMA; and

**WHEREAS**, the Township Council further desires to authorize the Township Business Administrator or his designee to take such actions as necessary and appropriate to release the Township’s restrictive covenant of record on the Property.

**NOW THEREFORE BE IT RESOLVED**, that the Township Business Administrator or his designee is hereby authorized and directed to send a letter of support to the HFMA to release the current lien or other restriction on the Property associated with the HFMA funding. The Township Business Administrator or his designee is further authorized and directed to take such actions as necessary and appropriate to release any restrictive covenant of record on the Property associated with said funding.

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Township of Parsippany-Troy Hills hereby indicate the Township’s willingness to supplement additional funding in the amount of \$175,000 from the Township’s Affordable Housing Trust Fund to Advancing Opportunities for use towards the construction of a group home with four (4) bedrooms for the special needs population on the Property. Any release of funds from the Township’s Affordable Housing Trust Fund will be approved by subsequent resolution of the Township Council.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are further authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**2. R2021-076\*Authorizing Change Order #1 for the Knoll Recreation Area Pump Station & Sewer Improvements**

**WHEREAS**, a change order to the contract for KNOLL RECREATION AREA PUMP STATION & SEWER IMPROVEMENTS with Hutton Construction LLC, 41 Village Park

Road, Cedar Grove, NJ 07009, is beneficial and prudent resulting in a reduction in total cost of the Project by an amount of \$8,300.00, and a new total contract price of \$2,209,072.00, with no change in the Contract Time; and,

**WHEREAS**, Jacobs' Engineering the Township's Consulting Engineer for this Project, has recommended the modification in the propose pipe alignment as outlined in Change Order # 1, thereby reducing the length of pipe to be installed and elimination of five manholes as proposed by the Contractor.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order # 1, resulting in a decrease in total cost of the Project cost by an amount of \$8,300.00 resulting in a new total contract price of \$2,209,079.00.

**BE IT FURTHER RESOLVED** by that the Mayor is authorized to execute Change Order # 1, in the form on file with the Township Clerk.

**3. R2021-077\*Award of Contract for One New 2021 Type III Class I Modular Ambulance for Parsippany Volunteer Ambulances Squad**

**WHEREAS**, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 2021 Type III Class I Modular Ambulance or Approved Equivalent for the Parsippany Volunteer Ambulance Squad on April 8, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Parsippany Volunteer Ambulance Squad have reviewed the bid received and recommend that a contract be awarded to the lowest responsible bidder, P.L. Custom Body and Equipment Co., Inc., 2201 Atlantic Avenue, Manasquan, NJ 08736 for a Total Bid Price (Including Bond Discount Option) of \$258,027.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

Current Capital Ordinance #'s 2016:16 adopted July 20, 2016,  
2017:11 adopted July 11, 2017 and 2018:17 adopted September 11, 2018, all entitled,  
"Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2021 Type III Class I Modular Ambulance or Approved Equivalent for the Parsippany Volunteer Ambulance Squad be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**4. R2021-078\*Award of Contract for One New 2021 Portable Air Compressor for the Water Department**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for One (1) New 2021 Sullivan Palatek D185PIZ4 Portable Air Compressor or Approved Equivalent for the Water Department on April 21, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Water Superintendent have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Gamka Sales Co. Inc., 983 New Durham Road, Edison, NJ 08817 for the Total Bid Price of \$25,350.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

“2021 Temporary Water Department Budget/O/E.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New Sullivan Palatek D185PIZ4 Portable Air Compressor or Approved Equivalent for the Water Department be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**5. R2021-079\*Award of Contract for Edwards Road Improvement Program**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Edwards Road Improvement Program on April 15, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Township Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Top Line Construction Corp., 22 Fifth Street, Sommerville, NJ 08876 for the Total Bid Price of \$1,273,194.03, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

Current Capital Ordinance # 2020:24 adopted  
July 21, 2020, entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Edwards Road Improvement Project be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**6. R2021-080\*Award of Contract for Smith-Baldwin House Phase 3 Rehabilitation**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Smith-Baldwin House Phase 3 Rehabilitation on April 14, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Consulting Historic Architect have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Dell-Tech Inc., 930 New York Avenue, Trenton, NJ 08638 for the Total Price (Base Bid & Add Alternate No. 1) of \$450,400.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds under the following:

“2020 Morris County Historic Preservation Grant,  
2016 & 2020 Smith-Baldwin House Open Space Trust Fund and  
2012 & 2017 Historic Open Space Trust Fund”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Smith-Baldwin House Phase 3 Rehabilitation be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**7. R2021-081\*Authorizing the Tax Collector to Issue Estimated 3<sup>rd</sup> Quarter Tax Bills**

**WHEREAS**, the Township of Parsippany-Troy Hills 2021 Municipal Budget has not been introduced or adopted and the County of Morris is unable to certify the 2021 Tax rates; and

**WHEREAS**, the Tax Collector will be unable to mail the 2021 tax bills on a timely basis; and

**WHEREAS**, N.J.S.A. 54:4-66.3 allows the Tax Collector in consultation with the Chief Financial Officer to compute and certify an estimated tax levy, summarizing the tax levies for the previous year, the tax rates and estimated tax levies for the 2021 calendar year;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills as follows:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Third (3<sup>rd</sup>) installment of 2021 taxes. The Tax Collector shall proceed and take such actions as permitted and required by N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The estimated calendar year tax levy for 2021 is hereby calculated at \$230,843,845.73. This amount is less than 103% of the 2020 calendar year tax levy.
3. In accordance with New Jersey Statutes, the third installment of 2021 taxes shall not be subject to interest until the later of August 10<sup>th</sup> or the Twenty-fifth calendar day after the date the estimated tax bills were certified mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**8. R2021-082\*Authorizing the Submission of an Application for the New Jersey Department of Community Affairs for a Sensory Playground in Smith Field Park**

**WHEREAS**, the Township of Parsippany-Troy Hills desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$400,000 to carry out a project to create a Sensory Playground in Smith Field Park to accommodate residents of all abilities and for the installation of turf in a multi-purpose room within the Parsippany Police Athletic League building to accommodate a wide range of sports and recreational activities.

**BE IT RESOLVED,**

- 1) that the Township of Parsippany-Troy Hills does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Parsippany Troy-Hills and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\_\_\_\_\_  
(signature)  
Frederick C. Carr  
\_\_\_\_\_  
(type or print name)  
Business Administrator  
\_\_\_\_\_  
(title)

\_\_\_\_\_  
(signature)  
Michael A. Soriano  
\_\_\_\_\_  
(type or print name)  
Mayor  
\_\_\_\_\_  
(title)

**9. R2021-083\*Award of Contract for Professional Accounting Services**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire professional accounting services as a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services may exceed \$17,500; and,

**WHEREAS**, the terms of these contracts shall begin on January 1, 2021 and end on December 31, 2021; and

**WHEREAS**, Wielkocz & Company, LLC., with offices located at 401 Wanaque Avenue, Pompton Lakes, New Jersey 07442 has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

**WHEREAS**, this firm has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the firm have not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contracts, and that the Contracts will prohibit the firms from making any reportable contributions through the term of the contracts that would bar the award of these Agreements pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, this firm has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that the firms have not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds at the time of services.

**NOW THEREFORE, BE IT RESOLVED** as follows:

- 1) That the Township Council of the Township of Parsippany-Troy Hills hereby authorizes a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Wielkocz & Company, LLC. with offices located at 401 Wanaque Avenue, Pompton Lakes, New Jersey 07442 for professional accounting services for the 2021 year; and
- 2) That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
- 3) That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and

- 4) A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

**10. R2021-084\*Authorizing Submission of a 2021 Application for Morris County Open Space Trust Fund for Acquisition of Property Known as Block 469, Lot 7**

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills desires to authorize submission of a 2021 Application for the Morris County Open Space Trust Fund for additional funding to acquire the property located at 369 Knoll Road, also known as Block 469, Lot 7 on the official Tax Map of the Township, and commonly known as the Kosut Tract (the “Property”); and

**WHEREAS**, on July 20, 2021, the Township Council held a public hearing on the application in accordance with the Rules and Regulations of the Morris County Preservation Trust Fund; and

**WHEREAS**, the Property is a rectangular shaped parcel consisting of 5.44 acres that is improved with an older single-family dwelling; and

**WHEREAS**, the Township owns the adjacent Block 469, Lots 5 and 6 consisting of 5.77 acres and 6.01 acres, respectively, as well as Lot 4 consisting of approximately 7 acres at the rear of Knollwood School, to the north; and

**WHEREAS**, the Township also owns the adjacent Block 469, Lot 8 consisting of approximately 5.110 acres to the south; and

**WHEREAS**, the Open Space Committee recommends the acquisition of the Property as the missing link to consolidate the Township’s recreation properties in the area; and

**WHEREAS**, the Township intends to demolish the existing single-family dwelling on the Property and use the Property for recreation purposes; and

**WHEREAS**, Izenberg Appraisal Associates prepared an appraisal report for the Property dated June 2, 2020 which concluded that the market value for the fee simple interest of the Property is \$1,100,000; and

**WHEREAS**, if the Township is awarded funding from the County for the acquisition of the Property, the remaining acquisition costs could be funded by the Township from the Municipal Open Space, Recreation, Floodplain Protection and Farmland and Historic Preservation Trust Fund, subject to future Township Council approval.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby authorizes submission of a 2021 Application for the Morris County Open Space

Trust Fund for the acquisition of the property located at 369 Knoll Road, also known as Block 469, Lot 7 on the official Tax Map of the Township, and commonly known as the Kosut Tract.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

11. **R2021-085\*** Authorizing the Sustainable Jersey 2021 EDF Climate Corps Program Application - PULLED

12. **R2021-086\*Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2021 Through September 30, 2026**

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Parsippany-Troy Hills desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

**BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

1. The Township Council of the Township of Parsippany-Troy Hills hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.
2. The Township Clerk of the Township of Parsippany-Troy Hills is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate officials of the Township of Parsippany-Troy Hills are authorized and directed to perform all required acts to affect the purpose of this Resolution.

13. **R2021-087\*State of New Jersey Department of Environmental Protection Urban Parks Initiative Enabling Resolution**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), is providing grants through the Urban Parks initiative; and

**WHEREAS**, the Township of Parsippany-Troy Hills desires to further the public interest by obtaining grant funding in the amount of \$X from the State to fund the following project: Improvements to Puddingstone Park at a cost of \$X where the basketball and tennis courts will be replaced;

**NOW, THEREFORE**, the governing body resolves that The Township of Parsippany-Troy Hills or the successor to the office of the Business Administrator is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

1. That the Business Administrator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Puddingstone Park;
2. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

**14. R2021-088\*Opposing New Jersey State Assembly and Senate Forest Management Bills**

**WHEREAS**, Forest Stewardship Plans (“FSPs”) approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), are exempt from all regulations of the Highlands Regional Master Plan including logging and water body rules; and

**WHEREAS**, the New Jersey State Senate and Assembly have introduced bill A-4843/S-3549, which would require local governments (“Municipalities”) to develop FSPs for all public forest land of 25 acres or more owned by the Municipality that had been acquired for conservation and recreation under the Green Acres Program; and

**WHEREAS**, the FSPs would need to be researched, developed and submitted by a trained Forester and by the Municipality, at the Municipality's cost; and

**WHEREAS**, bill A-4843/S-3549 does not provide any funds for compliance and, therefore, amounts to an unfunded mandate; and

**WHEREAS**, the financial pressure caused by this unfunded mandate would force the Township of Parsippany-Troy Hills ("Township") to consider and institute one or more actions, each of which would have one or more negative impacts on the fiscal, environmental and social health of the community. Among those potential actions are: increasing taxes, reducing services, reducing Township employees and engaging heavily in the logging of our public land which would also expose our forest ecosystems to invasive plant and insect species, while risking degradation of our soil and water quality, which would force the Township to incur additional costs to provide clean water to residents and commercial entities within the Township; and

**WHEREAS**, non-profit land trusts that also manage land in for public enjoyment, that struggle to secure adequate funding for land stewardship would be at a loss to pay for the preparation and implementation of required FSPs which could result in bankruptcy and/or loss of their land; and

**WHEREAS**, the FSPs required under A-4843/S-3549 are not the appropriate approach for protecting New Jersey's forests, nor enhancing the ecosystem services; clean water, clean air, flood mitigation, carbon sequestration they afford us. When written and reviewed by foresters these stewardship plans typically emphasize logging and the extraction of wood products, which is a drastic measure and is not appropriate management for most, if not all, public forests; and

**WHEREAS**, FSPs would allow all Township public land of 25 acres or more, to be logged and otherwise managed, with no public or other municipal recourse; and

**WHEREAS**, logging will reduce New Jersey's ability to sequester carbon and make it more difficult to achieve the greenhouse gas emissions reductions target in the NJ Global Warming Response Act; and

**WHEREAS**, logging will result in more stormwater runoff and more silt and pollution in our waterways while also causing environmental damage to wetlands, waterways, and forest habitats. Logging will limit access to public forested land; and

**WHEREAS**, logging will contribute to long-term degradation of local hiking trail networks by introducing new avenues for illegal off-road vehicles and ATVs to access public land, exacerbating a severe problem, which NJDEP and Park Police are already struggling to control; and

**WHEREAS**, logging would diminish the recreational experiences of both residents and tourists, the former could lose property values while the latter are important to the economic health of the Township; and

**WHEREAS**, tourists of the Township can easily opt to visit neighboring parks across the New York State line, where aggressive logging is not practiced; and

**WHEREAS**, should the State of New Jersey or any other public or private entity provide funds for FSPs and eliminate the unfunded mandate issue, Township still opposes A-4843/S-3549 for all the other reasons stated herein; and

**WHEREAS**, the New Jersey State Senate and Assembly have introduced bill A-4844/S-3550, which provides that municipal approval is not required for FSPs. The bill would also prohibit a local government unit from enacting any ordinance, rule, or resolution that requires local government approval of an FSP or that conflicts with, prevents, or impedes the implementation of an FSP approved by the DEP. The bill would also provide that the DEP's rules would supersede any municipal ordinance adopted prior to the effective date of this bill; and

**WHEREAS**, current law (Section 6 of P.L.2009, c.256 (C.13:1L-34) states: No local government unit may enact, on or after the date of enactment of P.L.2009, c.256 (C.13:1L-29 et al.), any ordinance, rule, or resolution, as appropriate, that conflicts with, prevents, or impedes the implementation of a forest stewardship plan approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31). A-4844/S-3550 extends these restrictions to any ordinance, rule, or resolution that requires local government approval of a forest stewardship plan. Therefore, this bill ensures that all forest stewardship plans required under companion bill A-4843/S-3549 are included in this set of already highly restrictive limits on municipalities and prevents them from having any control over NJDEP FSPs; and

**WHEREAS**, current law already restricts municipal oversight of NJDEP approved FSPs, but has not impacted many municipalities as FSPs are not required and municipalities manage open space land through local ordinances. The enactment of A-4843/S-3549 will replace many ordinances with FSPs and many Municipalities will lose total control over their forested lands and be unable to stop them from being logged; and

**WHEREAS**, there are no penalties associated with damages caused by FSPs. Replacing ordinances with FSPs would take away the authority of local governments to ensure private companies or individuals are not impacting environmentally sensitive areas or threatened or endangered species or creating disturbances close to stream corridors; and

**WHEREAS**, bill A-4844/S-3550 is a violation of home rule principles and the principles behind municipal land use laws throughout New Jersey's legislative and judicial history; and

**WHEREAS**, bill A-4845/S-3548 sets a Statewide goal of conducting prescribed burns on a minimum of 50,000 acres in the Pinelands area, and an additional 10,000 acres elsewhere in the State, every year; and

**WHEREAS**, bill A-4845/S-3548 requires burning about 6% of New Jersey's entire public forested land every year (In 17 years an area equivalent to all of New Jersey's public forests will have been burned); and

**WHEREAS**, there is no supporting scientific justification offered for burns of the magnitude required by bill A-4845/S-3548. Requiring a burn of 10,000 acres **anywhere** in the state outside the Pinelands is irresponsible, dangerous, costly, and wholly without merit; and

**WHEREAS**, decisions to conduct controlled forest burns of specific sizes should be based on scientific analysis of specific situations in specific areas each year and not predetermined for all time by law; and

**WHEREAS**, burning forests increases greenhouse gas emissions and air pollution, both of which are already significant problems throughout New Jersey; and

**WHEREAS**, the Prescribed Burns Act, P.L. 2018 c. 107 (C: 13:9-44.11 et seq.) does not properly address air pollution and it limits liability if these fires get out of control; and

**WHEREAS**, controlled burns are expensive to execute and bill A-4845/S-3548 also causes additional expenditures by requiring all relevant State agencies involved in environmental planning and land use management to incorporate the yearly minimum burns into all plans, programs, and surveys; and

**WHEREAS**, the New Jersey State Senate and Assembly have introduced bill A-3086/S-2001, which requires “active stewardship” based on weak Forest Stewardship Council (“FSC”) standards without a rulemaking process and outsources State authority to this same non-accountable organization in violation of State law; and

**WHEREAS**, one of the key requirements of the FSC standard is to quantify the economic assets of board feet for lumber and fire wood which encourages logging and timber removal; and

**WHEREAS**, bill A-3086/S-2001 requires the State Forester to take specific steps to support logging including “provide for acceptable transportation methods for timber, wood and other forest products for ultimate sale and identify strategies for the development of an economic market for forest products, and develop information on the marketing of harvested wood;” and

**WHEREAS**, bill A-3086/S-2001 directs all revenues from forestry activities in excess of the costs of development and implementation of any forest stewardship plan implemented on wildlife management areas administrated by the Division of Fish and Wildlife in the DEP **to be deposited in the “hunters’ and anglers’ license fund”** and **all revenues** derived from forestry activities on all other State-owned lands to be deposited into a dedicated, **nonlapsing special account** within the NJDEP despite the fact that not all State-owned lands are purchased with hunting and anglers fees and much of our public lands have been acquired by Green Acres funding and any revenue from these lands belong to the people and this is a violation of Public Trust resources.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills, in the interest of protecting its residents, businesses and institutions, and controlling its public open spaces to optimize its value as a source of recreation and public

enjoyment, strongly opposes New Jersey State Assembly and Senate Forest Management Bills A-4843/S-3549, A-4844/S-3550, A-4845/S-3548 and A-3086/S-2001.

**BE IT FURTHER RESOLVED**, that the Township Clerk shall forward this Resolution to the following:

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection
- State Senator Bob Smith
- State Assembly Speaker Craig Coughlin
- State Senator Pennacchio
- State Assemblypersons DeCroce and Webber
- New Jersey Forest Watch (newjerseyforestwatch@gmail.com)
- Morris County Commissioners and Administration
- League of New Jersey Municipalities
- NJ Advance Media.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**15. R2021-089\*Authorizing the Adoption of Police Department Rules and Regulations as Recommended by the Chief of Police and the Mayor**

**WHEREAS**, the Police Department of the Township of Parsippany-Troy Hills ("Parsippany-Troy Hills Police Department") has been established pursuant to N.J.S.A. 40A:14-118 and the Township of Parsippany-Troy Hills Municipal Code §4-28; and

**WHEREAS**, the Chief of Police of the Township of Parsippany-Troy Hills ("Township") has proposed to the Mayor of the Township, being the "appropriate authority" of the Township as set forth in N.J.S.A. 40A:14-118, the adoption and promulgation of the Department Rules and Regulations (the "Parsippany-Troy Hills Police Department Rules and Regulations"), in accordance with the Township of Parsippany-Troy Hills Municipal Code §4-25; and

**WHEREAS**, the Mayor of the Township recommends the adoption of the Parsippany-Troy Hills Police Department Rules and Regulations by the Township Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Parsippany-Troy Hills Police Department Rules and Regulations, as recommended by the Chief of Police and Mayor of the Township, are hereby adopted.

**BE IT FURTHER RESOLVED**, that all rules and regulations previously issued, and written directives that conflict with the rules and regulations contained herein, are hereby revoked to the extent of any such inconsistency. All other rules and regulations, and written directives not in conflict with those contained herein shall remain in full force unless expressly revoked by competent authority.

**BE IT FURTHER RESOLVED**, that the Parsippany-Troy Hills Police Department Rules and Regulations shall be filed with the Township Clerk and that a notice of adoption shall be published.

**BE IT FURTHER RESOLVED**, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**16. R2021-090\* Support from Local Governing Body Authorizing the Sustainable Jersey and PSE&G Foundation Small Grants Program Application**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Parsippany-Troy Hills strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Township of Parsippany-Troy Hills is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

**THEREFORE**, the Council of the Township of Parsippany-Troy Hills has determined that the Township of Parsippany-Troy Hills should apply for the aforementioned Grant to acquire funding that will support the hiring of consultants to assist with ongoing energy projects; and

**THEREFORE, BE IT RESOLVED**, that the Council of the Township of Parsippany-Troy Hills, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**17. R2021-091\*Granting a Major Soil Moving Permit to Morris Corporate Center VI, LLC: Block 136, Lots 44 & 76**

**WHEREAS**, Morris Corporate Center VI, LLC has applied to the Township of Parsippany-Troy Hills to move approximately 19, 975 cubic yards of soil as part of the proposed work at, **Block 136, Lots 44 & 76, 100 & 200 Cherry Hill Road**, and

**WHEREAS**, the Planning Board considered this application at its meeting of April 5, 2021 and recommends approval to the Township Council; and

**WHEREAS**, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Township Clerk dated April 16, 2021;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to Morris Corporate Center VI, LLC for the moving of approximately 19,975 cubic yards of soil as part of the proposed work at, **Block 136, Lots 44 & 76, 100 & 200 Cherry Hill Road**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated April 16, 2021.
2. The applicant shall comply with the recommendations and requirements stipulated by the Board of Adjustment at its meeting of April 5, 2021.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

**18. R2021-092\*Release of \$150,000 from Affordable Housing Trust Fund to Community Options to be Used Towards Purchase Group Home for Special Needs Population**

**WHEREAS**, the Township of Parsippany-Troy Hills' Approved Amended Affordable Housing Trust Fund Spending Plan (the "Spending Plan") provides an allocation for and authorizes the use of Affordable Housing Trust Funds, for among other things, use towards the purchase of homes that will be used as group homes for the special needs population; and

**WHEREAS**, Community Options, Inc. has requested funding in the amount of \$150,000 (\$50,000 per bedroom) from the Township's Affordable Housing Trust Fund to be used towards the purchase of a property located at 4 Norman Avenue (Block 559, Lot 11), which will be used as a group home for the special needs population; and

**WHEREAS**, the use of such funds as requested by Community Options, Inc. from the Affordable Housing Trust Fund, is consistent with the Spending Plan, which Plan anticipates the expenditure of such funds by the Township each year to ensure that the Township meets its affordable housing obligations and goals; and

**WHEREAS**, adequate funds are available in the Affordable Housing Trust Fund for such use by Community Options, Inc.; and

**WHEREAS**, the Township Council desires to authorize the release of \$150,000 from the Township's Affordable Housing Trust Fund to Community Options, Inc. for use towards the purchase of a home to be used as a group home for the special needs population.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, Morris County, as follows:

1. The Township Council hereby approves and authorizes the release of \$150,000 from the Township's Affordable Housing Trust Fund to Community Options, Inc. for the purposes set forth herein and in accordance with the Township's Spending Plan.

2. That an original certified copy of this Resolution shall be forwarded to the Municipal Housing Liaison.

**B. APPLICATIONS**

**1. R2021-093\*Person-to-Person Transfer of Plenary Retail Consumption License – Milagros Mexican American Grill, LLC from Route 46 Park Plaza Associates, LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1429-33-017-008 for Route 46 Park Plaza Associates, LLC 3835 Rte 46 Realty, LLC d/b/a to Milagros Mexican American Grill, and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Parsippany-Troy Hills Council does hereby approve, effective May 18, 2021, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License #1429-33-017-008.

**2. R2021-094\*2021 Renewal of Licenses-Entertainment**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2021:

**ENTERTAINMENT**

Hoovers Tavern LLC

**IX. APPROVAL OF PAYROLL AND BILLS LIST**

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the May 14, 2021 regular and miscellaneous payroll estimated at \$1,700,000.
2. Payment of bills from voucher list of 5/14/21 through 5/17/21 is \$2,359,803.14.

Motion to approve the authorization for payment above by Council member Carifi, seconded by Council member Gragnani.

**ROLL CALL** with all Council members answering Yes

## **X. EXECUTIVE SESSION**

### **A. RESOLUTION**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Township Council wishes to discuss: **Contract Negotiations: Renewal of the School Resource Officer (SRO) and Class III Special Officer (SLEO 3) Agreement with Parsippany-Troy Hills Township School District**

**AND, WHEREAS**, minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the public be excluded from this meeting.

Motion to Adjourn into Closed Session by Council member McCarthy, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes

Motion to Reconvene into Open Session by Council member Carifi, seconded by Council member McCarthy.

**ROLL CALL** with all Council members answering Yes

## **XI. ADJOURNMENT**

Motion to Adjourn the Meeting by Council member Carifi, seconded by Council member McCarthy.

**ROLL CALL** with all Council members answering Yes

Respectfully submitted,

*Regular Meeting 5/18/21*

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Khaled Madin, Township Clerk

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Michael J. dePierro, Council President

Minutes Approved: December 21, 2021