

**REGULAR MEETING**

**MAYOR AND COUNCIL**

**Thursday, April 15, 2021 @ 7:00 p.m.**

Due to the current situation involving the COVID-19 pandemic, the regular session meeting of the Mayor and Council was held remotely. The meeting was accessible by telephone, by dialing one of the numbers listed below and entering the meeting ID number 914 8050 6189.

+1 646 558 8656 US  
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+1 669 900 9128 US  
+1 253 215 8782 US  
+1 346 248 7799 US

**PRESENT:** Council Members Sohmer, Yoon - Via Teleconference,  
Suh, Sargenti, Kasofsky, Cervieri

**ABSENT:** Mayor Sokolich

**ALSO PRESENT:** Al Restaino, Borough Administrator  
Evelyn Rosario, Borough Clerk  
Brian Chewcaskie, Borough Attorney

**OPEN PUBLIC MEETINGS ACT STATEMENT**

In accordance with Chapter 231, P.L. 1975 adequate notice informing the public of the time and place of this meeting was duly published in the Record issue of December 22, 2020 and the Jersey Journal and Star Ledger issues of December 24, 2020. Said notice was also posted on the Borough Hall bulletin board, and on the outside door of Borough Hall and the Borough website.

**MAYOR'S REPORT AND ANNOUNCEMENTS**

Council President Cervieri presided over the meeting.

**APPROVAL OF MINUTES**

On motion by Councilman Sohmer, seconded by Councilman Sargenti, and carried unanimously, the minutes of the March 18, 2021 Regular Session were approved.

**INTRODUCTION OF ORDINANCES**

**ORD. #2021-7 "AN ORDINANCE AMENDING CHAPTER 410 ENTITLED ZONING OF THE GENERAL CODE OF THE BOROUGH OF FORT LEE TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY " (Public Hearing May 20, 2021)**

**On motion by Councilman Sohmer, seconded by Councilman Suh, and carried, Ord. #2021-7** entitled "AN ORDINANCE AMENDING CHAPTER 410 ENTITLED ZONING OF THE GENERAL CODE OF THE BOROUGH OF FORT LEE TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY" (Public Hearing May 20, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **May 20, 2021**.

**AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri**

**ORD. #2021-8 “CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) ” (Public Hearing May 20, 2021)**

**On motion by Councilman Suh, seconded by Councilman Sohmer, and carried, Ord. #2021-8** entitled “CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)” (Public Hearing May 20, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **May 20, 2021** .

**AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri**

### **ORDINANCE PUBLIC HEARINGS**

**ORD. #2021-6 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 358 ENTITLED “STORMWATER MANAGEMENT ” OF THE CODE OF THE BOROUGH OF FORT LEE ”**

**On motion by Councilman Sohmer, seconded by Councilman Suh, and carried, the public hearing was opened relative to Ord. #2021-6** entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 358 ENTITLED “STORMWATER MANAGEMENT” OF THE CODE OF THE BOROUGH OF FORT LEE”

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 358 ENTITLED “STORMWATER MANAGEMENT” OF THE CODE OF THE BOROUGH OF FORT LEE.**

**WHEREAS, the Mayor and Council of the Borough of Fort Lee desires to amend and supplement Chapter 358 of the Code of the Borough of Fort Lee to reflect the amendments to the Stormwater Management rules at N.J.A.C. 7:8 adopted March 2, 2020; and**

**WHEREAS, the Mayor and Council believe it is in the best interest of the Borough to amend and supplement Chapter 358.**

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council as follows:**

**Section 1. Chapter 358 of the Code of the Borough of Fort Lee, “Stormwater Management” be and is hereby repealed in its entirety and replaced by the following:**

**§358-1. Scope and Purpose:**

**A. Policy Statement**

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

**B. Purpose**

The purpose of this chapter is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §358-2.

C. Applicability

1. This chapter shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This chapter shall also be applicable to all major developments undertaken by the Borough of Fort Lee.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

**§358-2. Definitions:**

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part,

design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §358-4.F. of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

“Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
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” means 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” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **§358-3. Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

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

### **§358-4. 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 **§358-10**.



- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §358-4.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 §358-4.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 §358-4.O, P, Q and R to the maximum extent practicable;
  - 3. The applicant demonstrates that, in order to meet the requirements of §358-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §358-4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §358-4.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 §358-4.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 chapter the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff 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	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>	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>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
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 on Page D-15)

<b>Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)</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 on Page D-15)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <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 **§358-4.0.2**;
- (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 **§358-2**;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at **§358-2**.

- 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 **§358-4.B**. Alternative stormwater management measures may be used to satisfy the requirements at **§358-4.O** only if the measures meet the definition of green infrastructure at **§358-2**. Alternative stormwater management measures that function in a similar manner to a BMP listed at **§358-4.O.2** are subject to the contributory drainage area limitation specified at **§358-4.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 **§358-4.O.2** shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§358-4.D** is granted from **§358-4.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 **§358-8.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 **§358-8**; 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 **§358-2** may be used only under the circumstances described at **§358-4.O.4**.
- K. Any application for a new agricultural development that meets the definition of major development at **§358-2** shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at **§358-4.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 **§358-4.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 chapter shall be reflected in a deed notice recorded in the Bergen County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§358-4.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 **§358-10.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 this chapter 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 **§358-4** of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk’s Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at **§358-4.P** and **Q**, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at **§358-4.F.** and/or an alternative stormwater management measure approved in accordance with **§358-4.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	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at **§358-4.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 **§358-4.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 **§358-4.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 **§358-4.G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§358-4.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 §358-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §358-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §358-5, either:
  - i. 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
  - ii. 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.
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:
  - i. 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
  - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.



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- ii. 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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§358-4.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 **§358-5**, complete one of the following:

- i. 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;
  - ii. 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;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

**§358-5. Calculation of Stormwater Runoff and Groundwater Recharge:**

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

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

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

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

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §358-5.A.1.i and the Rational and Modified Rational Methods at §358-5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of

stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

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

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

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

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

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

**§358-6. Sources for Technical Guidance:**

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

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

**§358-7. Solids and Floatable Materials Control Standards:**

A. Site design features identified under §358-4.F above, or alternative designs in accordance with §358-4.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 §358-7.A.2 below.

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

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in 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:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

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

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

**§358-8. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §358-8.C.1, §358-8.C.2, and §358-8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;



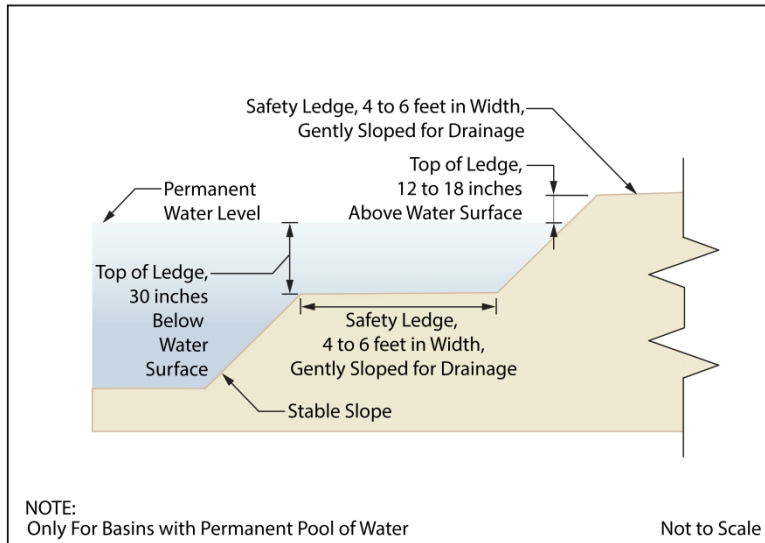
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
  2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
    - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
  3. Stormwater management BMPs shall include escape provisions as follows:
    - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to **§358-8.C**, a free-standing outlet structure may be exempted from this requirement;
    - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
    - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

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

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

#### E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



**§358-9. Requirements for a Site Development Stormwater Plan:**

**A. Submission of Site Development Stormwater Plan**

1. Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §358-9.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 chapter.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with §358-9.C of this chapter.

**B. Site Development Stormwater Plan Approval**

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

**C. Submission of Site Development Stormwater Plan**

The following information shall be required:

**1. Topographic Base Map**

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

**2. Environmental Site Analysis**

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

**3. Project Description and Site Plans**

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of **§358-3** through 5 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 **§358-4** of this chapter.
- 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 **§358-10**.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§358-9.C.1** through **§358-9.C.6** of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**§358-10. Maintenance and Repair:**

A. Applicability

Projects subject to review as in **§358-1.C** of this chapter shall comply with the requirements of **§358-10.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.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under **§358-10.B.3** above is not a public agency, the maintenance plan and any future revisions based on **§358-10.B.7** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
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 **§358-10.B.3** above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by **§358-10.B.6** and **B.7** above.
8. The requirements of **§358-10.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. For stormwater management facilities not dedicated and accepted by the municipality, a two year maintenance guarantee shall be posted in accordance with *N.J.S.A.40:55D-53*.
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 or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

**§358-11. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$1,000 per day or imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Said penalties shall be in addition to any other penalties permitted by law.

**§358-12. Severability:**

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

**§358-13. Effective Date:**

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

**§358-14. Private Storm Drain Inlet Retrofitting**

- A. Purpose. This section requires the retrofitting storm drain inlets that are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the Borough or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**PERSON**

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

**STORM DRAIN INLET**

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

**WATERS OF THE STATE**

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

- C. Prohibited conduct. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
- (1) Already meets the design standard below to control passage of solid and floatable materials; or
  - (2) Is retrofitted or replaced to meet the standard in Subsection **D** below prior to the completion of the project.
- D. Design standard. Storm drain inlets identified in Subsection **C** above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended or settleable solids. For exemptions to this standard, see Subsection **D(3)** below.
- (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect storm water 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 (April 1996); or
    - (b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension.
  - (2) Whenever design engineers use a curb-opening inlet, 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 square inches, or be no greater than two inches across the smallest dimension.
  - (3) This standard does not apply:
    - (a) Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
    - (b) Where flows are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      - [1] A rectangular space 4-5/8 inches long and 1-1/2 inches wide (this option does not apply for outfall netting facilities); or
      - [2] A bar screen having a bar spacing of 0.5 inch.
    - (c) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

(d) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C.7:4.2(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/

- E. Enforcement. This section shall be enforced by the Building Department of the Borough.
- F. Penalties. Any person(s) who is found to be in violation of the provisions of this section shall be subject to such penalties as are provided in Sec. 358-11 for each storm drain inlet that is not retrofitted to meet the design standard.
- G. Severability. Each section, subsection, sentence, clause and phrase of this section is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this section.
- H. Effective date. This section shall be in full force and effect from and after its adoption and any publication as may be required by law.

There being no public discussion, the public hearing was closed **on motion by Councilman Sohmer, seconded by Council man Suh.**

**On motion by Councilman Sohmer, seconded by Councilman Suh,** the Ordinance was **adopted** on the following roll call:

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**R-2 Authorizing the Increase in Reserve for Uncollected Taxes Percentage**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon			X			
Suh		X	X			
Sargenti			X			
Kasofsky			X			
Cervieri			X			

April 15, 2021  
Regular Session Meeting

Resolution # R-2

Carried: X Defeated:     Tabled:    

Approved on Consent Agenda:    

**RESOLUTION PROVIDING FOR INCREASE IN RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

**WHEREAS**, the Borough of Fort Lee collected only 98.39% of the 2020 taxes due to an increase in taxpayers being delinquent as a result of unfavorable economic conditions in the local economy and the Pandemic for 2020 and

**WHEREAS**, the Borough of Fort Lee’s average collection percentage for the prior 3 years is 98.62%, as calculated below, and

	<u>Collection Percentage</u>
2020	98.39
2019	98.64
2018	<u>98.84</u>
Total	<u>295.87</u>
3-Year Average	98.62%

**WHEREAS**, the lower percentage collected in 2020 has an effect on the "Reserve for Uncollected Taxes" in 2021, and

**WHEREAS**, the Governing Body desires to anticipate 98.51% collection for 2021, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Fort Lee, County of Bergen, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 98.51% collection of taxes in 2021 in figuring the "Reserve for Uncollected Taxes".

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Office of the Director of Local Government Services.

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**R-3 Authorizing the Cancellation on the Over Appropriation Included in the COVID-19 Special Emergency, \$1,017,300.00**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon			X			
Suh			X			
Sargenti			X			
Kasofsky		X	X			
Cervieri			X			

April 15, 2021 Regular Session Meeting  Resolution # R-3  Carried: <u>X</u> Defeated: <u>    </u> Tabled: <u>    </u>  Approved on Consent Agenda: <u>    </u>
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**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE CANCELLATION ON THE OVER APPROPRIATION INCLUDED IN THE COVID-19 SPECIAL EMERGENCY**

**WHEREAS**, the Borough of Fort Lee adopted a Special Emergency Resolution and Ordinance related to COVID-19 revenue losses for \$1,692,300; and

**WHEREAS**, the actual amount required was \$675,000; and

**WHEREAS**, the difference of \$1,017,300 must be cancelled.

**NOW THEREFORE BE IT RESOLVED**, that the over appropriation of \$1,017,300 included in the COVID-19 Special Emergency is hereby cancelled as follows:

	<b>Realized 2019</b>	<b>Realized 2020</b>	<b>Shortfall</b>
Municipal Court	1,174,054	655,394	(518,660)
Recreation Fees	110,068	3,498	(106,570)
Construction Code Fees	1,788,029	1,699,907	(55,122)
			675,000
Original Special Emergency			<u>1,692,300</u>
Cancellation			<u>\$1,017,300</u>

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**



**R-4 Certifying Compliance with the United States Equal Employment Opportunity Commission's Guidelines**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer			X			
Yoon			X			
Suh	X		X			
Sargenti		X	X			
Kasofsky			X			
Cervieri			X			

April 15, 2021 Regular Session Meeting  Resolution # R-4  Carried: <u>X</u> Defeated: <u>    </u> Tabled: <u>    </u> Approved on Consent Agenda: <u>    </u>
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**RESOLUTION OF THE BOROUGH OF FORT LEE CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 "**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Governing Body of the Borough of Fort Lee, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**INTRODUCTION OF THE 2021 BOROUGH OF FORT LEE MUNICIPAL BUDGET**

**Councilman Suh introduced, and Councilman Sargenti seconded**, the introduction of the 2021 Municipal Budget:

BE IT RESOLVED that the following statements of revenues and appropriations (available in the office of the Borough Clerk) shall constitute the Municipal Budget for the year 2021; and

BE IT FURTHER RESOLVED, that said budget be published in The Record in the issue of April 23, 2021.

The Governing Body of the Borough of Fort Lee does hereby approve the following as the Budget for year 2021 (available in the office of the Borough Clerk.)

The introduced budget was **approved** on the following roll call:

**AYES: Council Members, Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Fort Lee, County of Bergen, on April 15, 2021. A remote hearing on the Budget and Tax Resolution will be held at Borough Hall, on May 20, 2021 at 7:00 p.m. at which time objections to the Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

**PROPOSED CONSENT AGENDA**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X					
Yoon						
Suh						
Sargenti						
Kasofsky		X				
Cervieri						

April 15, 2021 Regular Session Meeting  Resolution # CA-1 to CA-16  Carried: ___ Defeated: ___ Tabled: ___  Approved on Consent Agenda: <u>X</u>
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**CA-1 Payment of Claims**

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$18,005,481.38
Current - Grant	380.00
Capital	7,484,128.02
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	
Special Dog Account	
Trust Account Fund	
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
Redemption Account	
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	4,707.28
Cop Card Donation	
Police Treasury	9,716.04
Police Justice	32,518.50
Flexible Spending	
Trust Account	
Developers CONNECT ONE	63,166.25
Developers B of America	
<b>Total:</b>	<b>\$ 25,600,097.47</b>

**CA-2 Approving Jr. Auxiliary Firefighter Membership Application for Jennifer H. Haemmerle, Fire Company #1**

The Jr. Auxiliary Firefighter Membership Application for Jennifer H. Haemmerle, Fire Company #1 was approved.

**CA-3 Accepting Retirement Notice of Stephen Gallagher, Deputy Police Chief, Effective August 1, 2021**

**RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF DEPUTY POLICE CHIEF STEPHEN GALLAGHER AND AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT**

**BE IT RESOLVED** that **Stephen Gallagher, Deputy Police Chief** of the **Police Department**, has submitted his retirement notice dated April 6, 2021 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Deputy Chief Gallagher's retirement will be **effective August 1, 2021** with the Borough of Fort Lee; and

**NOW, THEREFORE BE IT RESOLVED** that Mayor Mark J. Sokolich is hereby authorized to sign the Employment Agreement for Deputy Police Chief Gallagher, effective retroactively to January 1, 2020; and

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Deputy Chief Gallagher on his retirement.

**CA-4 Accepting Retirement Notice of Jo Ann Reda, Municipal Court Supervising Account Clerk, Effective May 1, 2021**

**RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF JO ANN REDA**

**BE IT RESOLVED** that **Jo Ann Reda, Supervising Account Clerk** of the **Municipal Court**, has submitted her resignation notice dated March 30, 2021 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Ms. Reda's resignation will be **effective May 1, 2021** with the Borough of Fort Lee.

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Ms. Reda.

**CA-5 Authorizing the Appointment of Matthew Fierro as Municipal Judge, Effective April 19, 2021, \$107,500.00 Annual Salary**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE APPOINTMENT OF MATTHEW FIERRO AS MUNICIPAL JUDGE**

**WHEREAS**, due to the recent retirement of Municipal Judge John R. DeSheplo, the Mayor and Council have authorized the appointment of Matthew Fierro as the Municipal Judge of the Fort Lee Municipal Court; and

**NOW, THEREFORE, BE IT RESOLVED** that **Matthew Fierro** be appointed as the Municipal Judge **effective April 19, 2021**, with an annual salary of \$107,500.00.

**CA-6 Authorizing the Hiring of Avalon Dearnley, Martin Clancy and Corey Patullo as Part-Time Emergency Medical Technicians, \$22.15 Hourly**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF  
PART-TIME  
EMERGENCY MEDICAL TECHNICIANS**

**WHEREAS**, there are Emergency Medical Technician vacancies in the Fort Lee Ambulance Corps, and the Mayor and Council have determined that these vacancies must be filled,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired as part-time **Emergency Medical Technicians** with the Fort Lee Ambulance Corps **effective immediately**; and

- **Avalon Dearnley**
- **Martin Clancy**
- **Corey Patullo**

**BE IT FURTHER RESOLVED** that these appointments are provisional pending certification from the New Jersey Civil Service Commission. These positions shall be at **\$22.15 per hour**, not to exceed **19 ½ hours per week**, with an effective date to be provided by our EMS Coordinator to the Payroll Office.

**CA-7 Authorizing the Appointments of Detective Michael Kelly and Detective Thomas Keelen as Additional Municipal Humane Law Enforcement Officers**

**RESOLUTION OF THE BOROUGH OF FORT LEE APPOINTING DETECTIVE  
MICHAEL KELLY AND DETECTIVE THOMAS KEELEN AS  
MUNICIPAL HUMANE LAW ENFORCEMENT OFFICERS FOR THE  
BOROUGH OF FORT LEE**

**WHEREAS**, the New Animal Cruelty Enforcement Law, P.L. 2017 c. 331, was signed into law on January 16, 2018; and

**WHEREAS**, P.L. 2017 c. 331 revises the enforcement of animal cruelty laws in the State of New Jersey by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals and county societies for the prevention of cruelty to animals to a county prosecutor animal cruelty task force in each county, and a Municipal Humane Law Enforcement Officer (HLEO) appointed in each municipality; and

**WHEREAS**, P.L. 2017 c. 331 requires the governing body appoint at least one Municipal Humane Law Enforcement Officer, approved by the Chief of Police, who is responsible for animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality; and

**WHEREAS**, on August 16, 2018 the Governing Body authorized the appointment of Detective Deborah Siracuse and Police Officer Carmen Firenze to serve as the Municipal Humane Law Enforcement Officers for the Borough:

**WHEREAS**, Police Chief Matthew J. Hintze has recommended the appointment of two additional Municipal Humane Law Enforcement Officers in order to better serve the Borough and the operational needs of the Police Department; and

**WHEREAS**, the Police Chief recommends the appointment Detective Michael Kelly and Detective Thomas Keelen to serve as additional Municipal Humane Law Enforcement Officers for the Borough; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fort Lee that they appoint Detective Michael Kelly and Detective Thomas Keelen to serve as additional Municipal Humane Law Enforcement Officers for the Borough.

**CA-8 Authorizing the Award of a Contract to Richard Koszarski for Professional Consulting Services Regarding the Barrymore Film Center and Museum, Not to Exceed \$21,000.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES TO PROFESSOR RICHARD KOSZARSKI PERTAINING TO THE BOROUGH 'S BARRYMORE FILM CENTER AND MUSEUM**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined there is a need for the Borough to obtain professional consulting services with regard to the Borough's planned Barrymore Film Center and Museum; and

**WHEREAS**, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

**WHEREAS**, services to provide technical advice and expertise with regard to the proposed theater/museum are recognized as "professional services" as these services are deemed to be original and creative in character in a recognized field of artistic endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

**WHEREAS**, the services to be performed by the consultant are professional services and this contract is awarded without competitive bidding as a "professional service" pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough wishes to retain the services of Professor Richard Koszarski for a term of one year to perform such professional consulting services in accordance with his proposal, attached hereto; and

**WHEREAS**, Professor Koszarski possesses the requisite expertise required to provide professional consulting services related to the Borough's planned Barrymore Film Center and Museum; and

**WHEREAS**, the Mayor and Council of the Borough wish to award a contract for professional consulting services to Professor Koszarski in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

**WHEREAS**, the professional consulting services related to the Borough's planned Barrymore Film Center Museum will be performed by Professor Koszarski for annual compensation in an amount not to exceed \$21,000.00, as reflected in his proposal; and

**WHEREAS**, because the annual compensation to be paid to Professor Koszarski is above the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., the contract is subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

**WHEREAS**, the award of a contract to Professor Koszarski for the provision of professional consulting services is pursuant to a "non-fair and open" process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

**WHEREAS**, pursuant to the New Jersey Local Unit Pay-To-Play Law, Professor Koszarski is required to complete and submit at least ten (10) days prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure

Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate, certifying that Koszarski has not made any reportable contributions to a political or candidate committee in the prior year, have been submitted and shall be kept on file in the Borough Clerk's office; and

**WHEREAS**, the Borough's Chief Financial Officer has reviewed its available funds and has determined that sufficient funds are available to award a contract for professional consulting services pertaining to the Borough's Barrymore Film Center and Museum; and

**WHEREAS**, the award of a contract for professional consulting services related to the Borough's Barrymore Film Center and Museum is in the best interests of the Borough; and

**WHEREAS**, the Borough has determined that the award of this contract is necessary for its continued efficient operation;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. Professor Richard Koszarski shall be and is hereby appointed to perform professional consulting services related to the Borough's planned Barrymore Film Center and Museum, in accordance with its proposal, attached hereto and made a part hereof, for a term of one year commencing retroactively to April 1, 2021.

2. The Mayor shall be and is hereby authorized to execute a contract between the Borough and Professor Koszarski, providing for annual compensation in an amount not to exceed \$21,000.00, and further memorializing the scope of the services and such other terms and conditions as may be necessary.

3. A notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the Local Public Contracts Law.

4. The Chief Financial Officer shall certify as to the availability of funds for this purpose.

5. No further action of the Borough shall be required.

**CA-9 Authorize the Sale of Surplus Property no Longer Needed for Public Use on an Online Auction Website Propertyroom.com**

**NOTICE BY THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY, OF THE SALE OF SURPLUS EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE AND PUBLICATION OF A NOTICE OF AN ON-LINE AUCTION**

**WHEREAS**, the Local Unit Electronic Technology Pilot Program and Study Act has been enacted by the New Jersey Legislature to permit local units to purchase bulk commodities and services and sell surplus property through means of the internet and related technologies; and

**WHEREAS**, the Police Department of the Borough of Fort Lee ("Borough") has surplus equipment and unclaimed property that is no longer used and useful in providing municipal services to the citizens of the Borough and wishes to dispose of these goods through an efficient and effective process; and

**WHEREAS**, on prior occasion pursuant to resolution, the Borough awarded a contract to Propertyroom.com to auction on its website any surplus and unclaimed

property ("Property") in the various departments in the Borough; and

**WHEREAS**, the Borough has determined that the equipment listed on Schedule A constitutes Property no longer needed for public use; and

**WHEREAS**, the Borough desires to sell through an on-line auction the Property listed in Schedule A, attached to this resolution; and

**WHEREAS**, the sale of surplus and unclaimed property through an on-line auction is to be conducted in accordance with the requirements of Local Finance Notice 2008-9; and

**WHEREAS**, the auction of surplus equipment and unclaimed property pursuant with the terms and conditions of the Borough's contract with Propertyroom.com is necessary for the efficient operations of the Borough and the sale of Property no longer used and useful by the Borough for the provision of municipal services is in the best interests of its citizens; and

**WHEREAS**, the original bid proposal of Propertyroom.com and the contract by and between the Borough and Propertyroom.com, setting forth the terms and conditions for the auction services to be provided are available in the Borough Clerk's Office and the website of Propertyroom.com;

**NOTICE IS HEREBY GIVEN** by the Mayor and Council of the Borough of Fort Lee as follows:

1. That the Borough Administrator is hereby authorized to post an offer to sell certain property listed in Schedule A through an auction website as follows:

Online auction site: [www.propertyroom.com](http://www.propertyroom.com)  
Anticipated Starting  
Date: May 17, 2021; 9:00 a.m. EDT  
Length of Auction: minimum of three (3) days  
Auction Fees: revenue sharing  
Method of Payment: major credit card  
Shipping: common carrier  
Possession: propertyroom.com with exception of in-place auction items  
Other terms: Bidders must pre-register with propertyroom.com  
Minimum Bid: \$1.00  
Property Auctioned: Various equipment

2. That the Borough Administrator is hereby authorized to publish a copy of this Resolution as notice of the on-line auction, including the information shown in Paragraph #1 above and the specific date for the start of the auction.

3. That the Municipal Attorney is hereby authorized to forward to the Department of Community Affairs a copy of the contract with Propertyroom.com and the notice of the on-line auction, as well as any other documentation as may be required to evidence the Borough's participation in the sale of surplus equipment pursuant to the Local Unit Electronic Technology Pilot Program and Study Act.

4. That the proposal of and contract with Propertyroom.com, and a copy of the Resolution authorizing the sale of surplus property and the actual notice of the on-line auction, be made available for review by the public in the Borough Clerk's Office.

**CA-10 Supporting the 2021 UDRIVE. UTEXT. UPAY Distracted Driving Crackdown April 1-30, 2021**

**RESOLUTION OF THE BOROUGH OF FORT LEE SUPPORTING THE 2021 UDRIVE. UTEXT.UPAY. DISTRACTED DRIVING CRACKDOWN**

**APRIL 1-30, 2021**

**WHEREAS**, distracted driving is a serious, life-threatening practice that is preventable; and

**WHEREAS**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**WHEREAS**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**WHEREAS**, in 2018 alone distracted driving-related crashes resulted in 2,841 deaths and 400,000 injuries on our nation's roads; and

**WHEREAS**, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes in 2018; and

**WHEREAS**, the State of New Jersey will participate in the nationwide Distracted Driving 2021 Crackdown from April 1 - 30, 2021 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**WHEREAS**, the national slogan for the campaign is UDrive. UText. UPay; and

**WHEREAS**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**THEREFORE, BE IT RESOLVED** that the Borough of Fort Lee declares its support for the Distracted Driving 2021 Crackdown both locally and nationally from April 1 - 30, 2021 and pledges to increase awareness of the dangers of distracted driving.

**CA-11 Authorizing the Renewal of Various Towing Licenses for the January 1, 2021 Through December 31, 2021 Licensing Period**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF VARIOUS TOWING LICENSES FOR THE JANUARY 1, 2021 - DECEMBER 31, 2021 LICENSING PERIOD**

BE IT RESOLVED, by Governing Body of the Borough of Fort Lee that the following towing licenses are hereby renewed for the January 1, 2021 - December 31, 2021 licensing year.

1. **ABC Towing**  
1580 Bergen Boulevard  
Fort Lee, NJ 07024
2. **Apex Auto**  
1490 Bergen Boulevard  
Fort Lee, NJ 07024
3. **Sano's Broadview Corp.**  
344 Bergen Boulevard  
Palisades Park, NJ 07650
4. **Statewide Towing**  
2470 Lemoine Avenue  
Fort Lee, NJ 07024

**CA-12 Authorizing Agreement on Dispatch of Government Officials with the City of Namyangju, Gyeonggi Province, The Republic of Korea**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING ENTERING INTO AN AGREEMENT ON DISPATCH OF GOVERNMENT OFFICIALS WITH THE CITY OF NAMYANGJU, GYEONGGI PROVINCE, THE REPUBLIC OF KOREA**



**WHEREAS**, the Borough of Fort Lee is desirous of entering into an Agreement of Dispatch of Government Officials (“Agreement”) with the City of Namyangju, Gyeonggi Province, the Republic of Korea; and

**WHEREAS**, the goal of the program is to promote deeper cultural understanding, international visitation and hospitality amongst our municipalities that leads to long lasting relationships; and

**WHEREAS**, entering into this Agreement will formalize and strengthen the relationship between our two municipalities; and

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Fort Lee having considered and been fully advised in the matter do hereby authorize the Mayor to execute said an agreement.

**CA-13 Confirming Endorsement of a Community Development Block Grant Program Application Proposed by Northeast New Jersey Legal Services for a Legal Services Covid Response Project \$100,000**

**RESOLUTION OF THE BOROUGH OF FORT LEE CONFIRMING ENDORSEMENT OF A BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION**

**WHEREAS**, a Bergen County Community Block Development grant of \$100,000 has been proposed by Northeast New Jersey Legal Services for a Legal Services COVID Response Project that will benefit residents of the municipality of Fort Lee as well as greater Bergen County and;

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body and;

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Fort Lee and;

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds and;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project and;

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program, Mr. Robert G. Esposito, Director; Bergen County Division of Community Development; On Bergen County Plaza, 4<sup>th</sup> Floor; Fort Lee, NJ 07601) so that implementation of the aforesaid project may be expedited.

**CA-14 Authorizing the Designation of an Official Signatory for a 2020 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (Bergen County Trust Fund) Constitution Park \$109,766 Matching Grant**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE DESIGNATION OF AN OFFICIAL SIGNATORY FOR A 2020 BERGEN COUNTY OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND (BERGEN COUNTY TRUST FUND) GRANT CONTRACT**

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Fort Lee wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$109,766 matching grant award from the 2020

Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Constitution Park: Playground Resurfacing, Gazebo, Benches and Water Fountains located in Block 4551, Lot 1 on the tax maps of the Borough of Fort Lee;

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorize Mayor Mark J. Sokolich to be a signatory to the aforesaid Contract; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about February 16, 2023; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

**CA-15 Endorsing a Community Development Block Grant Application on Behalf of the Fort Lee Housing Authority for Improvements to the Harry J. Holtje House \$95,000**

**RESOLUTION OF THE BOROUGH OF FORT LEE ENDORSING THE  
FORT LEE HOUSING AUTHORITY 'S 2020 COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM APPLICATION FOR IMPROVEMENTS TO  
THE HARRY J. HOLTJE HOUSE**

**WHEREAS**, a Bergen County Community Development Grant in the amount of **\$95,000.00** has been proposed by the **Fort Lee Housing Authority for improvements to the Harry J. Holtje House Public Housing Building**, located in the Municipality of the Borough of Fort Lee; and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Mayor and Council; and,

**WHEREAS**, the aforesaid project is in the best interest of the people of Fort Lee and the County of Bergen; and,

**WHEREAS**, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of Fort Lee hereby confirms endorsement of the aforesaid project;

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

**CA-16 Authorizing Change Order No. 's 37 \$96,141.60, 38 \$116,306.33 & 39 \$273,791.79 Dobco, Inc. for Project Known as Barrymore Film Center & Museum**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDER  
NOS. 37 THROUGH 39 TO THE CONTRACT FOR THE CONSTRUCTION OF THE**

**BARRYMORE FILM CENTER AND MUSEUM**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee (“Borough”) previously determined that it was necessary to contract for the construction of the Barrymore Film Center and Museum in the Borough; and

**WHEREAS**, on prior occasion pursuant to duly adopted resolution, the Borough awarded a contract to H3 Hardy Collaboration Architecture, LLC to provide services as a licensed architect for the preparation of construction plans and bid specifications; and

**WHEREAS**, on April 18, 2018, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough publicly advertised and solicited bids for the construction of the Barrymore Film Center and Museum; and

**WHEREAS**, on prior occasion pursuant to duly adopted resolution, the Borough awarded a contract to Dobco, Inc. in the amount of \$9,842,700.00 as the lowest, responsible and complying bidder for the construction of the Barrymore Film Center and Museum in the Borough; and

**WHEREAS**, on prior occasions pursuant to duly adopted resolutions, the Borough authorized Change Orders #1 through 24 and 25 through 31 as outlined below; and

Change Order #	Amount	Nature of Change Order	Resolution #	Date
1	-\$99,475.00	Removal of the Fixed Seating <b>Reduction</b> from the Scope of the Work	CA-17	11/18/2018
2	\$3,053.49	Additional Labor, Material & Equipment Related to the Required Soil Testing	CA-17	11/18/2018
3	\$33,009.17	Additional Curtain Wall Steel	CA-13	1/17/2019
4	\$8,232.58	Additional Steel for Veil Metal Panel Support/Connections	CA-13	1/17/2019
5	\$12,127.36	Labor, Material, and Equipment to Mobilize and Hammer Rock Interfering with Footings and Foundations	CA-13	1/17/2019
6	\$96,980.38	Addition of Switchboard Panel and Generator Quick Connect Cabinet	CA-10	2/1/2019
7	\$128,531.74	Installation of an Under-Slab Vapor Mitigation System and Testing to Meet NJDEP Vapor Intrusion Guidance and Maintain Product Warranties	CA-13	3/14/2019
8	\$49,232.77	Disposal of Contaminated Soil from The Site of the Barrymore Film Center and Museum	CA-17	6/13/2019
9	\$23,015.56	Additional Labor, Material and Equipment to Change 1/2” Tempered Glass in the Ornamental Railing System to 9/16” Laminated Tempered Glass Panels	CA-17	6/13/2019
10	\$2,641.19	Additional Labor, Materials and Equipment to Modify Electrical Outlets at the Concession Stand	CA-6	10/10/2019
11	\$4,151.73	Additional Labor, Material and Equipment to Add Steel Tubes at Two Levels to Support the Curtain Wall	CA-6	10/10/2019
12	\$11,225.00	Additional Labor, Materials and Equipment to Hammer the Rock Interfering with the Sewer Line Tie-In	CA-3	11/7/2019
13	\$3,732.64	Additional Labor, Materials and Equipment Needed to Install Exterior Blocking within the EIFS System to Support Exterior Printed Aluminum Panel Graphics	CA-3	11/7/2019
14	\$184.03	Replacement Sign for Site Fence	CA-3	11/7/2019
15	\$6,500.00	Additional Costs of Labor, Materials and Equipment for Removal of Contaminated Soil and the Installation of the Vapor Mitigation System and Winter Heating	CA-18	12/19/2019
16	\$6,918.40	Additional Costs of Labor, Materials and Equipment Necessary to accommodate the Connection to the Electrical Vault	CA-18	12/19/2019
17	\$45,436.44	Additional Labor, Materials, Equipment and Costs for Forming and Installing a Concrete Slab in the Transformer Room	CA-6	1/16/2020
18	\$6,626.09	Additional Labor, Materials and Equipment for the Installation of Speaker Wire for Wall Mounted Speakers	CA-8	2/13/2020

19	\$9,128.44	Additional Labor, Materials and Equipment to Relocate a Portable Generator Quick Connect Panel to Meet Public Service Electric & Gas Clearance Requirements	CA-8	2/13/2020
20	\$1,080.97	Additional Labor and Materials to Adjust Wall Location at Duct Shaft	CA-13	3/19/2020
21	\$5,743.94	Additional Labor and Materials to Provide Void Space behind Furred out Plaster Wall at Theater Interior	CA-13	3/19/2020
22	\$421.59	Additional Labor and Materials to Install Door Jamb for Door 202	CA-13	3/19/2020
23	\$9,171.21	Additional Power Outlets, Power Circuits, Circuit Breakers, Conduits, Raceways and Speaker Cable at the Projection Room	CA-13	3/19/2020
24	\$8,841.68	Removal of Contaminated Soil	CA-29	12/17/2020
25	\$7,565.70	Additional Labor, Materials and Equipment for Rock Removal Required for Final Electrical Vault and Conduit Runs on Main Street	CA-29	12/17/2020
26				
27	\$2,062.25	Additional Labor, Materials and Equipment for additional painting of diffusers on T&M	CA-29	12/17/2020
28	\$4,136.93	Additional Labor, Materials and Equipment for the Replacement of 2 Existing Rim Devices at TAG 114	CA-29	12/17/2020
29	\$14,191.37	Additional Labor, Materials and Equipment to Furnish and Install 20 Clear Anodized Break Metal Sheets to Match Spandrel Panels	CA-29	12/17/2020
30	\$5,096.92	Additional Labor, Materials and Installation of a Steel Mesh Safety Barrier at the Cat Walk Level Access Ladder	CA-29	12/17/2020
31	\$856.56	Additional Labor, Materials and Equipment to Install Concrete Curb at the Transformer Vault	CA-29	12/17/2020
32				
33				
34				
35				
36				

**WHEREAS**, Dobco, Inc. submitted Change Order No. 37, detailing the addition of 126 days of labor for the removal of contaminated soils and installation of the soils barrier and venting system that results in an increase of \$96,141.60 to the original contract price; and

**WHEREAS**, Change Order No. 38 details the additional 90 days to length of contract due to NJ Governor’s Extended Order 122 for the shut- down of non-essential construction sites during COVID-19 and for additional days of scaffolding rental that results in an increase of \$116,306.33 to the original contract price; and

**WHEREAS**, Change Order No. 39 details the addition of 238 days to the contract due to PSE&G’s delay of installation of the transformers, transformer vault and installation of Verizon lines that results in an increase of \$273,791.79 to the original contract price; and

**WHEREAS**, the Borough has determined that the authorization of Change Order Nos. 37, 38 and 39 to the contract for the construction of the Barrymore Film Center and Museum in the Borough is in the best interests of the Borough and is necessary for its continued efficient operation; and

**WHEREAS**, the new contract amount for this project is \$10,739,360.85

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, as follows:

1. That the aforementioned change orders are hereby authorized in accordance with the provisions of the Local Public Contracts Law and its implementing regulations, N.J.A.C. 5:30-11.1 et seq.
2. A copy of this resolution, the contract, and change orders shall be maintained in the Borough Clerk’s Office and made available for public inspection.
3. This Resolution shall take effect immediately.
4. No further action of the Borough shall be required.

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**RESOLUTIONS**

**R-5 Authorizing and Directing the Planning Board to Examine Whether Block 4355, Lots 14-16 Located at 90-100 Main Street and Block 4355, Lots 11-12 and 20-23 Located at 1636 and 1640 Kaufer Lane, 55, 51 and 47 Main Street Should be Determined an Area in Need of Redevelopment, Specifically a Non-Condemnation Redevelopment Area**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon			X			
Suh		X	X			
Sargenti			X			
Kasofsky			X			
Cervieri			X			

April 15, 2021  
Regular Session Meeting

Resolution # R-5

Carried: X Defeated: \_\_\_\_ Tabled: \_\_\_\_

Approved on Consent Agenda: \_\_\_\_

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF FORT LEE TO EXAMINE WHETHER CERTAIN LANDS, IN PARTICULAR, BLOCK 4355, LOTS 14-16, LOCATED AT 90-100 MAIN STREET AND BLOCK 4355, Lots 11-12 and 20-23, LOCATED AT 1636 & 1640 KAUFER LANE; 55, 51 & 47 MAIN STREET IN THE BOROUGH OF FORT LEE, NEW JERSEY, SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO N.J.S.A. 40A:12A-1, ET SEQ.**

**WHEREAS**, the Borough of Fort Lee (the “Borough”) has identified certain properties located at 90-100 Main Street, specifically Lots 14-16 in Block 4355 and 1636 and 1640 Kaufer Lane, 55, 51 and 47 Main Street, specifically Lots 11-12, 20-23 in Block 4355, as delineated on the tax map attached hereto and made a part of this resolution, to be considered for designation as an area “in need of redevelopment”, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of the Borough to undertake a preliminary study to determine whether the proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Borough desires that the Borough Planning Board undertake an examination as to whether 90-100 Main Street, specifically Lots 14-16 in Block 4355 and 1636 and 1640 Kaufer Lane, 55, 51 and 47 Main Street, specifically Lots 11-12, 20-23 in Block 4355 may be deemed “an area in need of redevelopment”; and

**WHEREAS**, the Borough hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”); and

**WHEREAS**, the notice of any hearing to be conducted by the Planning Board with regard to this Resolution shall specifically state that a Non-condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that the Borough Planning Board is hereby directed and authorized to examine whether the lands located at 90-100 Main Street, specifically Lots 14-16 in Block 4355 and 1636 and 1640 Kaufer Lane, 55, 51 and 47 Main Street, specifically Lots 11-12, 20-23 in Block 4355 as delineated on the tax map attached hereto and made part of this resolution, should be determined “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-3, specifically as a Non-Condensation Redevelopment Area.

**BE IT FURTHER RESOLVED THAT** the Borough hereby states that any Non-Condensation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain.

**BE IT FURTHER RESOLVED THAT** the notice of any hearing to be conducted by the Planning Board with regard to this Resolution shall specifically state that a Non-Condensation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

**BE IT FURTHER RESOLVED THAT** this resolution shall take effect immediately.

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**R-6 Authorizing the Transfer of a Person-to-Person Liquor License No. 0219-44-011-006 From B.L.W. World, Inc. to H & N Liquor Inc. Effective April 16, 2021**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer		X	X			
Yoon			X			
Suh	X		X			
Sargenti			X			
Kasofsky			X			
Cervieri			X			

April 15, 2021 Regular Session Meeting  Resolution # R-6  Carried: <u>X</u> Defeated: ____ Tabled: ____  Approved on Consent Agenda: ____
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**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TRANSFER OF PERSON-TO-PERSON LIQUOR LICENSE NO. 0219-44-011-006 FROM B.L.W. WORLD INC. TO H & N LIQUOR INC., EFFECTIVE APRIL 16, 2021**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 0219-44-011-006, heretofore issued to B.L.W. World Inc.; 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 Borough of Fort Lee Governing Body does hereby approve, effective April 16, 2021 the transfer of the aforesaid Plenary Retail Distribution License to H & N Liquor Inc. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to H & N Liquor Inc., effective April 16, 2021."

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri**

**R-1 Authorizing the Execution of a Municipal Service Agreement with the Kensington Park Condominium Association, Inc. and the Royal Buckingham**

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer			X			
Yoon			X			
Suh	X		X			
Sargenti		X	X			
Kasofsky			X			
Cervieri					X	

April 15, 2021 Regular Session Meeting  Resolution # R-1  Carried: <u>X</u> Defeated: ____ Tabled: ____  Approved on Consent Agenda: ____
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\*Councilman Cervieri recused and left the dais  
 \*Councilwoman Kasofsky presided over this portion of the meeting

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE KENSINGTON PARK CONDOMINIUM ASSOCIATION, INC. AND THE ROYAL BUCKINGHAM RELATED TO THE PROVISION OF MUNICIPAL SERVICES**

**WHEREAS**, the Borough of Fort Lee ("Borough") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

**WHEREAS**, the Municipal Services Act, N.J.S.A. 40:67-23.2 seq., requires that a municipality either provide certain services to a qualified private community or reimburse the qualified private community for the costs of providing such basic services on public roads and streets, including the removal of snow, lighting of roads and streets, and the collection of leaves, recyclable materials and solid waste ("Qualified Services"); and

**WHEREAS**, Kensington Park Condominium Association, Inc. ("Kensington"), and the Royal Buckingham are comprised of residential condominium units, located within the geographical boundaries of the Borough and each constitutes a qualified private community pursuant to the provisions of the Municipal Services Act; and

**WHEREAS**, the most recent agreement between the Borough, Kensington and the Royal Buckingham expired on December 31, 2020; and

**WHEREAS**, the Borough, Kensington, and Royal Buckingham desire to enter into an agreement for a term of five (5) years, retroactive to January 1, 2021 related to the provision of the Municipal Service Act; and

**WHEREAS**, the Borough agrees to pay Kensington and the Royal Buckingham an annual sum of \$25,000.00 for various municipal services; and

**WHEREAS**, the Borough's Chief Financial Officer has determined that funds are available for this purpose, certification attached to this resolution; and

**WHEREAS**, the entry into a contract with Kensington and Royal Buckingham in accordance with the Municipal Services Act is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the

Borough; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That entry into an agreement with Kensington and Royal Buckingham, retroactive to January 1, 2021, expiring December 31, 2025, in accordance with the Municipal Services Act is hereby authorized.
2. That the Mayor shall be and is hereby authorized to execute an agreement, in substantially the same form as that attached hereto, between the Borough, Kensington, and the Royal Buckingham memorializing the terms and conditions for the reimbursement for Qualified Services pursuant to the Municipal Services Act.
3. That the Chief Financial Officer has certified that current funds are available for this purpose.
4. That upon execution of such agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.
5. That no further action of the Borough shall be required.

**AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky**

### **COUNCIL REPORTS**

**Councilman Sohmer** -He congratulated Deputy Police Chief Stephen Gallagher and Jo Ann Reda, Municipal Court Supervising Account Clerk on their retirements.

He mentioned Pickle Ball and Tennis are now open for registration at the Recreation Center from 8AM-8PM, 7 days a week. The Recreation Department is working on adult and youth outdoor summer camp programs and other activities following CDC guidelines. He wished the girls softball teams good luck on their opening game this weekend. The Little League is currently in session. Their Opening Day will be via zoom on May 1<sup>st</sup> with many special guest appearances.

He thanked Filoreto Sciglitano of Balitano Contracting Company and the Borough Parks Department for all their help with the reconstruction of the National League Field.

He mentioned Fort Lee plans to resume Movies and Music Under the Stars and reopen the wading pools, splash park and summer camp programs.

He mentioned the Barrymore Theater and Museum and the new ADA accessible post office will be opening within the next few months.

**Councilman Yoon** - He congratulated Deputy Police Chief Stephen Gallagher and Jo Ann Reda, Municipal Court Supervising Account Clerk on their retirements.

He mentioned the grand opening of the Barrymore Film Center and Museum will be in October. Friends of Fort Lee Film purchased 3 pianos from money raised, with a large donation made by Ms. Janet Denlinger. The Film Commission is working on some upcoming programs such as an annual women's film history conference to be held in 2022, film festivals and conferences.

He stated to please contact Tom Meyers or Nelson Page to contribute donations or join the Friends of the Barrymore Film Center.

**Councilman Suh** - He congratulated Deputy Police Chief Stephen Gallagher and Jo Ann Reda, Municipal Court Supervising Account Clerk on their retirements.



He mentioned baseball and softball is back and are following special protocols for safety.

He thanked Filoreto Sciglitano of Balitano Contracting Company for donating his time reconstructing the National League Field.

He reminded residents the Board of Education Office has moved to 231 Main Street 3<sup>rd</sup> floor. The 2<sup>nd</sup> floor is Fort Lee Parking Authority, and the 1<sup>st</sup> floor will be the new post office.

**Councilman Sargenti** - He congratulated Deputy Police Chief Stephen Gallagher and Jo Ann Reda, Municipal Court Supervising Account Clerk on their retirements.

He gave a monthly report regarding the Fort Lee Voluntary Fire Department for response activity for February as follows: Active Alarms 51, Structural Fires 2, Car Fires 1, Fire Department Emergencies 29, Gas Leaks 07, Washdowns/Minor Fires 6, Carbon Monoxide Alarms 5, Total calls for the year 339. Please contact the Fire Chief if you would like to volunteer.

He offered his condolences on the passing of George Makroulakis who was a past Fort Lee fireman, VFW member, Board of Adjustment member and chairman.

**Councilwoman Kasofsky** - She congratulated Deputy Police Chief Stephen Gallagher and Jo Ann Reda, Municipal Court Supervising Account Clerk on their retirements.

She mentioned the community gardens are open and to call 201-592-3632 if you would like to reserve a box. The Fort Lee Library is open at 35% capacity. The Health Department is still administering regular routine vaccines. The County is offering COVID-19 vaccines, please check their website.

**Councilman Cervieri** - He thanked Mr. Makroulakis for all he has done for Fort Lee and offered his condolences to his family. He also offered his condolences the P.K. Sharma family, the Fort Lee Police physician.

He thanked the Board of Health Department for distributing COVID-19 vaccines.

He mentioned the new post office will be located at 231 Main Street and the BDA has already moved their office into the 2<sup>nd</sup> floor.

### **PUBLIC PARTICIPATION**

On motion by Councilman Sohmer, seconded by Councilman Suh, and carried unanimously, the meeting was opened to the public for discussion.

There being no public discussion, the public hearing was closed **on motion by Councilman Sohmer, seconded by Councilman S uh.**

On motion by Councilman Sohmer, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned with no objections at 7:43 p.m.