

Mayor Kalaka-Adams called the meeting to order and requested those present to join her in the Pledge of Allegiance to the Flag.

Attorney Arnette read the following statement:

**"GOOD EVENING LADIES AND GENTLEMEN. THIS MEETING IS NOW CALLED TO ORDER. IN LINE WITH THE BOROUGH OF SEA BRIGHT'S LONGSTANDING POLICY OF OPEN GOVERNMENT, AND IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT", I WISH TO ADVISE YOU THAT ADEQUATE NOTICE OF THIS REGULARLY SCHEDULED MEETING HAS BEEN ADVERTISED IN THE COURIER ON JANUARY 11, 2007 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."**

**3. ROLL CALL**

**Present:** Councilmembers, Bills, Fernandes, Keeler, Kelly, Long, Scriven, Mayor Kalaka-Adams, Attorney Arnette, Chief Financial Officer Bascom, Borough Engineer Hoder, Captain Spahr, Borough Clerk Smeltzer.

**Absent:** Police Chief Moore

**4.**

**A.** Letter from Sea Bright Unified Planning Board recommending adoption of Ordinance No. 15-2007 an Ordinance Amending Ordinance No. 16-2005 Stormwater Control Chapter 130 Land Use Article XVI Surface Water Run Off.

**B.** Attorney Arnette called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of July 17, 2007. Councilwoman Fernandes moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 15-2007**  
**AN ORDINANCE AMENDING ORDINANCE NO. 16-2005**  
**STORMWATER CONTROL CHAPTER 130 LAND USE**  
**ARTICLE XVI SURFACE WATER RUN OFF**

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that the following amendments be made to Chapter 130 Land Use.

ARTICLE XVI SURFACE WATER RUNOFF - This Article should be added as follows in its entirety.

Section 130-98.Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater

management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

#### B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 130-99.

#### C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - a. 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 ordinance shall also be applicable to all major developments undertaken by the Borough of Sea Bright.

#### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

#### Section 130-99. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Planning Map" means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"Compaction" means the increase in soil bulk density.

- "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 Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:
- A county planning agency; or
  - A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.
- "Department" means the New Jersey 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 enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A. 4:1C-1 et seq.
- "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 critical areas" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.
- "Empowerment Neighborhood" means a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.
- "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"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.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Municipality" means any city, borough, town, township, or village.

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

"Pollutant" 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.

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

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

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

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"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.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, 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.

## Section 130-100. General Standards

### A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and

stormwater runoff quality standards in Section 130-101. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

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

#### Section 130-101. 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 Section 130-107.
- 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 quantity, and stormwater runoff quality requirements of Sections 130-101.F and 130-101.G:
  1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 130-101.F and 130-101.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and

structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 130-101.F and 130-101.G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 130-101.F and 130-101.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 130-101.F and 130-101.G that were not achievable on-site.

#### E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Section 130-101.F and Section 130-101.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 130-101.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
  - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - c. Maximize the protection of natural drainage features and vegetation;
  - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
  - e. Minimize land disturbance including clearing and grading;
  - f. Minimize soil compaction;
  - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
  - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
  - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those

pollutants into stormwater runoff. Such source controls include, but are not limited to:

- (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 130-101.E.3. below;
- (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
- (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under Section 130-101.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 130-101.E.3.c below.

a. Design engineers shall use either 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:

- (1) 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
- (2) 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 basin floors.

b. 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 (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard does not apply:

- (1) Where the review agency determines 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;

(2) Where flows from the water quality design storm as specified in Section 130-101.G.1 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 inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 130-101.G.1; or

(4) 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.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 130-101.F and 130-101.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 130-104, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).

#### F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

- (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 130-102, either:
    - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
    - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
  - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
  - (3) The following types of stormwater shall not be recharged:
    - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
    - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; 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.
  - (4) 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff

calculations at Section 130-102, complete one of the following:

- (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 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;
  - (3) 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
  - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
2. Any application for a new agricultural development that meets the definition of major development at Section 130-99 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

#### G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

2.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 130-104, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org). The BMP Manual and other sources of technical guidance are listed in Section 130-104. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. 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:

$$R = A + B - (AXB)/100$$

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

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 130-103.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 130-101.F and 130-101.G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 130-104.
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. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
  - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
    - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
  - b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
  - c. If stormwater discharged outside of and flowing through the special water resource protection area

cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

- (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
- (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
- (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
- (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
- (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
- (6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 130-101.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to 130-101G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in 130-101G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

#### Section 130-102. Calculation of Stormwater Runoff and Groundwater Recharge

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

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

- a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or
  - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
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 at Section 130-102.A.1.a and the Rational and Modified Rational Methods at Section 130-102.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
  3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
  4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds and other methods may be employed.
  5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:
1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

Section 130-103. Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 130-105.D.
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 130-105.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 130-101 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 130-101 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 130-104. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State

Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
  2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
  2. The Rutgers Cooperative Extension Service, 732-932-9306; and
  3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

#### Section 130-105. 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 basins. This section applies to any new stormwater management basin.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
    - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
    - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

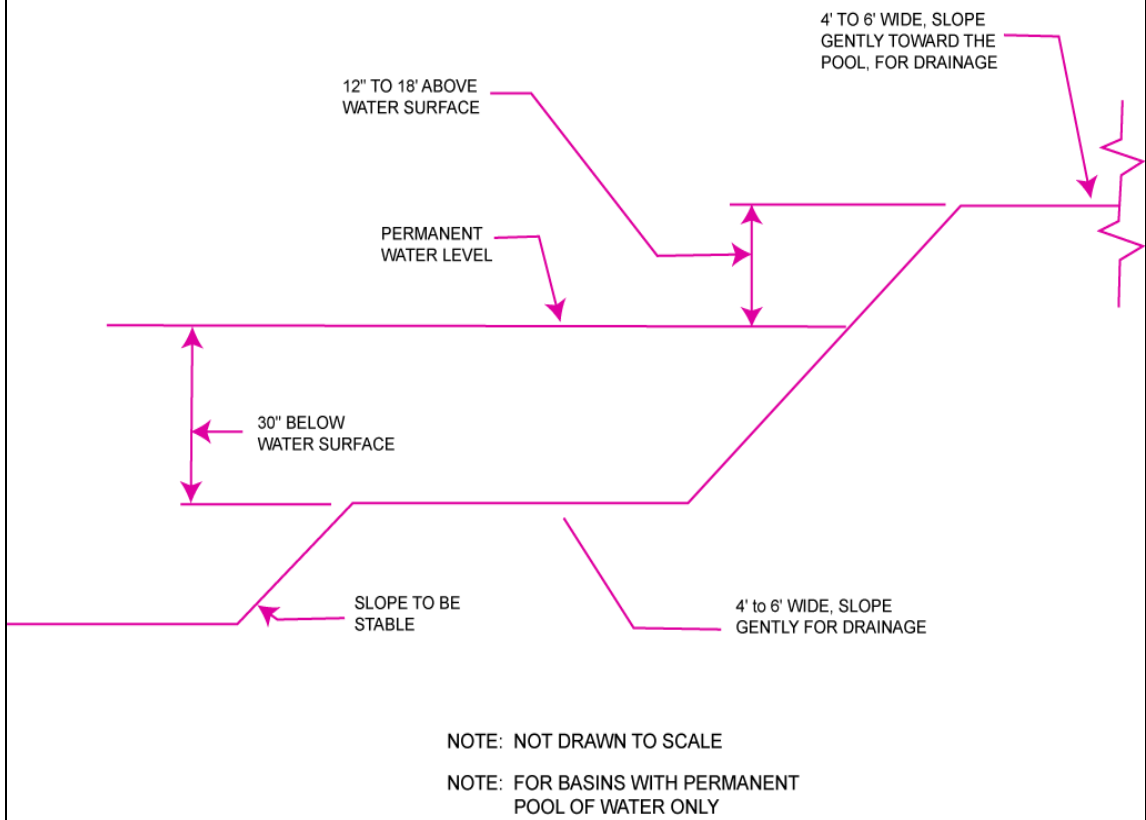
- c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
  - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/sq.ft.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
    - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/sq.ft.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
    - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in 130-105.C a free-standing outlet structure may be exempted from this requirement.
    - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 130-105.D for an illustration of safety ledges in a stormwater management basin.
    - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

#### C. Variance or Exemption from Safety Standards

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

#### D. Illustration of Safety Ledges in a New Stormwater Management Basin

Depicted is an elevational view.



## Section 130-106. Requirements for a Site Development Stormwater Plan

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at 130-106.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 16 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 130-106.C of this ordinance.

### B. Site Development Stormwater Plan Approval

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

### C. Checklist Requirements

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 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 environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### 3. Project Description and Site Plan(s)

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

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 130-100 through 130-103 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

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

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 130-101 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 130-107.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 130-106.C.1 through 130-106.C.6 of this ordinance when it can be demonstrated that the

information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## Section 130-107. Maintenance and Repair

### A. Applicability

1. Projects subject to review as in Section 103-98c of this ordinance shall comply with the requirements of Sections 130-107.B and 130-107.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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. 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.
4. If the person responsible for maintenance identified under Section 130-107.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 130-107.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.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including 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 nonvegetated linings.
6. The person responsible for maintenance identified under Section 130-107.B.2 above shall 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.

7. The person responsible for maintenance identified under Section 130-107.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
  8. The person responsible for maintenance identified under Section 130-107.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 130-107.B.6 and 130-107.B.7 above.
  9. The requirements of Sections 130-107.B.3 and 130-107.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
  10. 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.
- B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### Section 130-108. Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine under the General Penalty provisions, Chapter 1, Article 1.

#### Section 130-109. Effective Date

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

#### Section 130-110. Severability

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

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its adoption, passage and publication according to law and

moved the Public Hearing to be held. Second by Councilman Scriven and approved by the following voice vote:  
AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: None

There being no members of the Public who wished to be heard a motion to close the Public Hearing was made by Councilwoman Fernandes. Second by Councilwoman Long and approved upon the following voice vote:  
AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Councilwoman Fernandes made a motion to approve Ordinance 15-2007 on its Third and Final Reading and advertise it according to law. Second by Councilman Scriven and approved upon the following vote:  
AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**B.** Attorney Arnette called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of August 7, 2007. Councilman Scriven moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 17-2007**  
**AN ORDINANCE AMENDING CHAPTER 1 GENERAL PROVISIONS**  
**SECTIONS 1-14 GENERAL PENALTY**

BE IT ORDANINED by the Mayor and Council of the Borough of Sea Bright that the following amendments shall be made to the Code:

**Chapter 1 - General Provisions - Section 1-14 General Penalty:**  
Any violation of any provision of any Chapter of the Code of the Borough of Sea Bright, where another penalty is not specifically provided, shall be punishable pursuant to N.J.S.A. 40:49-5 for fines, imprisonment, or community service, in the discretion of the Judge. Unless otherwise provided, each day a violation continues shall be considered a separate offense.

**BE IT FURTHER ORDAINED,** that this Ordinance shall take effect upon its adoption, passage and publication according to law and moved the Public Hearing to be held. Second by Councilwoman Bills and approved by the following voice vote:  
AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: None

There being no members of the Public who wished to be heard a motion to close the Public Hearing was made by Councilwoman Fernandes. Second by Councilman Scriven and approved upon the following voice vote:  
AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Councilwoman Scriven made a motion to approve Ordinance 17-2007 on its Third and Final Reading and advertise it according to

law. Second by Councilman Kelly and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

C. Attorney Arnette called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of August 7, 2007. Councilwoman Long moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 18-2007**  
**AN ORDINANCE AMENDING CHAPTER 201 VEHICLES AND TRAFFIC**  
**ARTICLE I TRAFFIC AND PARKING**  
**SECTION 7 LOADING ZONES**

BE IT ORDANINED by the Mayor and Council of the Borough of Sea Bright as follows:

ARTICLE I SECTION 7: LOADING ZONES - This section shall be amended to include the following loading zone:

<u>Name of Street</u>	<u>Time</u>	<u>Side</u>	<u>Location</u>
East Surf Street	8 am to 6 pm	South Side	25 feet east from the Apex (corner) of East Ocean Avenue and East Surf Street. 25 feet west from the Apex (corner) of Wayne Street and East Surf Street.

The location described above is hereby designated as a loading zone. Parking of vehicles other than delivery trucks loading and unloading shall be prohibited

**BE IT FURTHER ORDAINED** that this ordinance shall take effect upon its adoption, passage and publication according to law.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its adoption, passage and publication according to law and moved the Public Hearing to be held. Second by Councilwoman Fernandes and approved by the following voice vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

There being no members of the Public who wished to be heard a motion to close the Public Hearing was made by Councilwoman Fernandes. Second by Councilwoman Long and approved upon the following voice vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Councilwoman Long made a motion to approve Ordinance 18-2007 on its Third and Final Reading and advertise it according to law. Second by Councilman Scriven and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

D. Attorney Arnette said that Ordinance 19-2007 is being carried for action at a further date.

**ORDINANCE NO. 19-2007  
AN ORDINANCE AUTHORIZING THE INCLUSION OF  
CHAPTER 74 BULKHEADS INTO THE CODE OF SEA BRIGHT**

**5. CONSENT AGENDA: A Certification of Funds supports any items requiring expenditure; any items requiring discussion will be removed from the Consent Agenda:**

Attorney Arnette said that the Council Meeting Minutes of August 7, 2007 were amended and circulated to the Governing Body.

A. Councilwoman Long introduced and approved for adoption the following:

**RESOLUTION NO. 162-2007  
PAYMENT OF BILLS 08/21/07**

WHEREAS, the following listed vouchers have been audited and found to be correct.

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$340,164.49 are to be paid; and

BE IT FURTHER RESOLVED, that proper Officers are hereby authorized to execute and issue warrants for payments of said vouchers, but only if and when conditions of the Borough Treasury shall permit, and the said vouchers be approved by the proper Committees.

00006	AVAYA, INC.			
	07-0174	02/13/07	POLICE-3/Q/2007 PHONE MAINT	OPEN 54.96
00015	LANIGAN ASSOCIATES, INC.			
	07-1003	07/25/07	POLICE DEPT-ROAD FLARES	OPEN 164.00
00019	NJ AMERICAN WATER			
	07-1092	08/06/07	6/26-7/26/07 HYDRANTS	OPEN 2,002.00
00027	SEABOARD WELDING SUPPLY, INC.			
	07-0013	01/23/07	DPW - 2007 CYLINDER RENTAL	OPEN 11.50
00063	CHESAPEAKE EXTERMINATING CO.			
	07-0984	07/20/07	BLDGS/GRNDS-JUL 2007 EXTERM	OPEN 25.00
00122	WARNOCK FLEET, INC.			
	07-0218	02/23/07	POLICE-2007 FORD CROWN VIC	OPEN 28,567.04
	07-0264	02/28/07	POLICE-EMERGENCY LIGHT SYSTEM	OPEN 355.00
				-----
				28,922.04
00135	COOPER ELECTRIC SUPPLY COMPANY			
	07-1043	07/30/07	SEWER-SERVICE GENERATOR	OPEN 375.00
00141	MUNICIPAL RECORD SERVICE			
	07-1039	07/27/07	COURT-TRAFFIC TICKETS	OPEN 294.50
00158	PITNEY BOWES CREDIT CORP.			
	07-0599	05/07/07	POLICE DEPT-METER:10/1-12/31	OPEN 48.00
00198	COMCAST			
	07-1105	08/06/07	A&E-INTERNET:8/8-9/7/07	OPEN 95.00
	07-1154	08/16/07	POLICE-INTERNET:8/20-9/19/07	OPEN 95.00
				-----
				190.00
00261	A.C. MOORE, INC.			
	07-0569	05/03/07	REC-ART SUPPLIES:6/16 B/BASH	OPEN 161.30
00275	M & S WASTE SERVICES, INC.			
	07-0906	07/05/07	07/07 GARBAGE/RECYCLING PICKUP	OPEN 7,900.00
	07-0922	07/11/07	07/10/07 EXTRA RECYCLING P-UP	OPEN 45.00
	07-0951	07/16/07	DUMPSTER+DISP FEE:DRIFTWOOD	OPEN 500.00

07-1123	08/09/07	JUL 2007 LANDFILL TIPPING FEES	OPEN	10,982.72
				-----
				19,427.72
00295	RED THE UNIFORM TAYLOR			
07-1077	08/03/07	POLICE DEPT-CITATION BARS	OPEN	17.75
00303	STEVE'S LUNCHEONETTE			
07-0312	03/13/07	DPW-LUNCH-PRISONERS:W/E 3/23	OPEN	320.00
07-0366	03/23/07	BLDGS/GRNDS-PRISONERS:W/E 3/30	OPEN	87.50
				-----
				407.50
00322	GLORIA'S GARDENS, INC.			
07-0834	06/19/07	BEAUTIF-VINCAS FOR PLANTERS	OPEN	189.95
00328	EASYLINK SERVICES CORPORATION			
07-1115	08/09/07	POLICE DEPT-07/07 AMBER ALERTS	OPEN	2.59
00339	NAPA AUTO PARTS			
07-0040	01/23/07	DPW-BLANKET:VEHICLE MAINT	OPEN	67.55
00502	NJ STATE LEAGUE/MUNICIPALITIES			
07-1085	08/06/07	MUNI CLERK-9/6/07 SEMINAR	OPEN	150.00
00513	A.R. COMMUNICATIONS			
07-0971	07/18/07	FIRE DEPT-MOTOROLA PAGERS	OPEN	889.00
00533	RUTGERS, THE STATE UNIVERSITY			
07-0905	07/05/07	MUNI CLERK-INFO/RECORDS MGMT	OPEN	374.00
00575	GALLS, INC.			
07-0671	05/18/07	POLICE DEPT-BATONS/HOLDER/BAG	OPEN	365.92
07-0950	07/16/07	POLICE DEPT-REMOTE POWER SUPP	OPEN	174.98
				-----
				540.90
00615	DMR LAWNS & LANDSCAPES, INC.			
07-0437	04/10/07	BLDGS/GRNDS-2007 MOWING SERV	OPEN	1,200.00
00654	MARSIGLIA, ROBERT			
07-0982	07/20/07	RECREATION-8/26 BEACH CONCERT	OPEN	1,000.00
00684	MONMOUTH ELECTRIC SERVICE, INC			
07-0286	03/07/07	LIBRARY-INSTALL/MOVE LIGHTS	OPEN	832.00
00688	MONMOUTH COUNTY POLICE ACADEMY			
07-1004	07/25/07	POLICE DEPT-TRAINING	OPEN	75.00
00713	NORTHERN TOOL & EQUIP CO.			
07-0504	04/23/07	BLDGS/GRNDS-IRRIGATION PUMPS	OPEN	226.95
07-0926	07/11/07	DPW-FLOJET ON-DEMAND PUMP	OPEN	132.18
				-----
				359.13
00895	JOHNNY ON THE SPOT, INC.			
07-0783	06/08/07	PORTO-POTS - AUG 2007	OPEN	540.33
01027	SHORE BUSINESS SOLUTIONS			
07-1049	07/30/07	POLICE-COPIER ANNUAL MAINT FEE	OPEN	627.53
01150	W.W. GRAINGER, INC.			
07-1084	08/06/07	DPW-15 CASES:TRASH LINERS	OPEN	675.00
01164	WATCHUNG SPRING WATER CO, INC.			
07-1005	07/25/07	AUG 2007 SPRING WATER	OPEN	193.30
01230	STAPLE'S, OFFICE SUPERSTORE			
07-1121	08/09/07	DPW-INK CARTS:2 BLACK	OPEN	21.99
01241	BAIN'S HARDWARE, INC.			
07-1022	07/25/07	JUL 2007 PURCHASES	OPEN	907.22
01285	THE HOME DEPOT			
07-0741	05/31/07	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	55.41
01286	INDUSTRIAL MARINE			
07-1137	08/13/07	REIMB:7/10-8/7/07 GARAGE ELECT	OPEN	86.81
01315	MOTOROLA, INC.			
07-1031	07/26/07	FIRE DEPT-RADIO SOFTWARE	OPEN	317.00
01358	CAMPBELL SUPPLY CO., INC.			
07-1000	07/25/07	FIRE DEPT-REPAIR CHARGER #4377	OPEN	487.73
01493	COOPERATIVE INDUSTRIES, L.L.C.			
07-1106	08/06/07	MAY 2007 NATURAL GAS	OPEN	2,153.84
01526	JCP & L			
07-1153	08/16/07	JUL 2007 ELECTRIC SERVICE	OPEN	5,674.98
01578	AMERICAN MESSAGING			
07-1010	07/25/07	DPW-AUG 2007 PAGER SERVICE	OPEN	34.34
01590	CARROT-TOP INDUSTRIES, INC.			
07-0587	05/04/07	BEACH-VARIOUS FLAGS	OPEN	257.54
01591	STORR TRACTOR COMPANY			
07-1045	07/30/07	BEACH-PART FOR KAWASAKI MULE	OPEN	29.16
01754	EDMUNDS & ASSOCIATES, INC.			
07-1036	07/26/07	TAX COLL-2007/2008 TAX BILLS	OPEN	382.30
01801	MASER CONSULTING, P.A.			
07-0424	04/04/07	PRJ#96 PREP SEWER O&M MANUAL	OPEN	321.63
07-0607	05/08/07	PRJ#56 POLICE DEPT GENERATOR	OPEN	6,060.00
07-0657	05/16/07	PRJ#99 CENTER/BEACH BULKHEAD	OPEN	2,700.00
07-0658	05/16/07	PRJ#97 ROAD IMPROVEMENTS	OPEN	7,563.25
07-0663	05/17/07	PRJ#82-P3 DIIP:PIPE RELOCATION	OPEN	9,988.75
07-1140	08/14/07	PRJ#82 REIMBURSABLE EXPENSES	OPEN	298.21
07-1141	08/14/07	ENGINEERING-HIGHLANDS BRIDGE	OPEN	500.00

07-1142	08/14/07	TAX ASSESSOR-TAX MAP REVISIONS	OPEN	570.00
07-1143	08/14/07	PRJ#103 2008 DOT APPLIC-ROADS	OPEN	125.00
				-----
				28,126.84
01953	ACKER, WILLIAM			
07-1001	07/25/07	BEACH-CPR & FIRST AID TRAINING	OPEN	350.00
01957	BENEMAX BENEFIT MANAGEMENT CO.			
07-1107	08/06/07	08/07 INSUR/EE' HEALTH MGMT	OPEN	324.00
01960	VERIZON			
07-0991	07/20/07	LOCAL/LONG DISTANCE-AUG 2007	OPEN	1,410.24
01974	BOROUGH OF SEA BRIGHT COURT			
07-1110	08/07/07	COURT-07/07 CREDIT CARD REIMB	OPEN	280.50
01985	THE MOBILE STORAGE GROUP, INC.			
07-1086	08/06/07	COURT-8/5-9/2/07 TRAILER	OPEN	249.31
02008	E.J. SCHUSTER'S OFFICE SUPPLY			
07-1015	07/25/07	A&E-OFFICE SUPPLIES	OPEN	124.32
07-1040	07/27/07	A&E-(6) HP LASERJET PRINT CART	OPEN	391.50
07-1053	07/31/07	COURT-OFFICE SUPPLIES	OPEN	171.66
				-----
				687.48
02061	VERIZON WIRELESS			
07-1138	08/14/07	BLDG/FIRE/COURT:8/4-9/3 CELL	OPEN	169.32
02177	WALSH, JOAN			
07-1124	08/09/07	LIBRARY-REIMB:8/07 DVDS	OPEN	148.37
02189	SHARP ELECTRONICS CORPORATION			
07-0150	02/05/07	POLICE-2007 COPY MACHINE LEASE	OPEN	148.19
02194	THE COURIER			
07-0001	01/22/07	MUNI CLERK-BLANKET:ADS	OPEN	61.57
		BORO OF SEA BRIGHT PAYROLL A/C (7/30/07 P/R)		102,835.95
		BORO OF SEA BRIGHT PAYROLL A/C (8/15/07 P/R)		112,790.72
		NJSHBP (JULY 2007 HEALTH/RX BENEFITS)		22,356.13
				-----
				<b>340,164.49</b>

Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**B.** Councilwoman Long made a motion to adopt the revised Council Meeting Minutes of August 7, 2007. Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**C.** Councilwoman Long made a motion to approve the request from Jim Parla, Co-Chair, Citizens for Rational Coastal Development to conduct a fundraising event on August 25<sup>th</sup> and 26<sup>th</sup> at the public beach entrance. Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**D.** Councilwoman Long introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 163-2007**

**BOROUGH OF SEA BRIGHT**

BE IT RESOLVED , by the Mayor and Council of Borough of Sea Bright, County of Monmouth, State of New Jersey that the proper officers, be and are hereby authorized to approved a sewer adjustment on the following sewer account.

<b>BLOCK</b>	<b>LOT</b>	<b>AMOUNT</b>
16	5 sub 1	\$165.90

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following sewer adjustments in the amount of \$165.90.

Second by Councilman Scriven and approved upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**E.** Councilwoman Long introduced and offered for adoption the following resolution:

**RESOLUTION NO. 164-2007  
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Recreation Administrator has established the following recreation program and fee as follows:

Skim Board Contest - Registration Fee \$15.00 per person

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council of the Borough of Sea Bright that the above program and fee are hereby authorized.

Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**F.** Councilwoman Long introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 165-2007  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough Council wishes to raise funds for the Public Relations Advisory Committee through the sale of merchandise; and

**WHEREAS**, certain items have been purchased for resale purposes on Sea Bright Day and at other Borough celebrated events; and

**WHEREAS**, the following items which the Borough Council wish to sell at the prices listed:

<u>MERCHANDISE, ETC</u>	<u>AMOUNT</u>	<u>FUND ACCOUNT CREDITED</u>
Baseball Hats	\$15.00	Public Relations Trust
Adult T-Shirts	\$15.00	Public Relations Trust
Youth T-Shirts	\$15.00	Public Relations Trust
Sweatshirts	\$35.00	Public Relations Trust

**NOW, THEREFORE, BE IT RESOLVED** that the above mentioned items are hereby authorized to be sold.

Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

G. Councilwoman Long introduced and offered the following Resolution for adoption:

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 170-2007**

**WHEREAS**, Charles McQuillan had posted a Planning Board escrow in the amount \$200.00 posted on March 1, 2006; and

**WHEREAS**, the Borough Engineer, Planning Board Attorney and Secretary have indicated that the balance of the escrow may now be refunded.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize the return of the unused escrow in the amount of \$160.00 to Charles McQuillan, BPC Marina, LLC, 1410 Ocean Avenue, Sea Bright, NJ 07760.

Second by Councilman Scriven and approved upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**6. OLD BUSINESS:**

Councilwoman Fernandes said that Sea Bright should hire an architect with municipal experience because Architect Monteforte does not have municipal building experience.

A. Councilman Kelly introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 160-2007  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright are in need of Architectural Services associated with the evaluation of Municipal Buildings for structural integrity, mechanical efficiency and architectural aesthetics and functionality; and

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright hereby authorize Monteforte Architectural Studio to provide the services as outlined in their proposal dated April 23, 2007 in an amount not to exceed \$4,950.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Monteforte Architectural Studio is hereby authorized to perform the above services as stated herein.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to sign the proposal agreement.

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in A & E for the purpose stated in the above resolution.

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MICHAEL J. BASCOM, C.F.O.

Second by Councilman Keeler and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None  
ABSENT: None

Councilwoman Fernandes said that the deposit clause in the Architect's contract should be stricken and she requested Borough Clerk Smeltzer to remove the clause before the Mayor signs the contract.

**7. NEW BUSINESS:**

**A.** Councilwoman Fernandes introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 166-2007  
RESOLUTION AUTHORIZING THE AWARD  
OF A NON-FAIR AND OPEN CONTRACT  
FOR ENGINEERING SERVICES**

WHEREAS, the Borough of Sea Bright has a need to acquire professional engineering services as a non-fair and open contract pursuant to the provisions of <N.J.S.A. 19:44A-20.4 or 20.5 as appropriate>; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is shall not exceed 1 year <and may be extended from time to time as approved by this governing body; and

WHEREAS, Hatch Mott MacDonald has submitted a proposal dated July 29, 2007 indicating they will provide Engineering Services for the amount of \$65,000.00; and

WHEREAS, Hatch Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the Borough of Sea Bright in the previous one year, and that the contract will prohibit Hatch Mott MacDonald from making any reportable contributions through the term of the contract, and

WHEREAS, Michael J. Bascom, Chief Financial Officer of the borough of Sea Bright has certified that funds will be available in Bond Ordinance 8-2007.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright authorizes the Mayor or in her absence the Council President to enter into a contract with Hatch Mott MacDonald as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed one time in the "Courier" newspaper.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in A & E O/E appropriation for the purpose stated herein.

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**MICHAEL J. BASCOM, CFO**

Second by Councilman Keeler and approved upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**B.** Councilwoman Bills introduced and offered for adoption the following Resolution:

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 167-2007**

**WHEREAS**, there is a need for off-site data backup and recovery services for the Administrative and Executive Offices of the Borough of Sea Bright; and

**WHEREAS**, Iron Mountain has provided a proposal for Live Vault In Sync Backup and Recovery Services in an amount not to exceed \$120.00 a month.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sea Bright, County of Monmouth and State of New Jersey that authorization is hereby given to the Mayor or in her absence the Council President to sign the Iron Mountain Agreement as mentioned above in the amount of \$120.00 per month.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in A & E O/E appropriation for the purpose stated herein.

---

**MICHAEL J. BASCOM, CFO**

Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Mayor Kalaka-Adams thanked Borough Clerk Smeltzer for researching and coordinating the off-site data backup and recovery service plan that would provide insurance for Sea Bright's records in case of a disaster.

**C.** Councilwoman Fernandes introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 168-2007  
BOROUGH OF SEA BRIGHT  
AWARD OF CONTRACT  
FOR STREET SWEEPER**

**WHEREAS**, sealed proposals for a new and unused 6 wheel Regenerative Air Street Sweeper were received and found in accordance with the specifications prepared by the appropriate Borough Officials and approved by the Governing Body of the Borough of Sea Bright, New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright to award the contract to:

**W.E. TIMMERMAN CO., INC.**  
**3554 ROUTE 22 WEST**  
**P.O. BOX 71**  
**Whitehouse, New Jersey 08888**

For the following contract amount: \$120,000.00 plus the optional items: 31.15" Litter Collection Hose \$1,690.00 and 31.2 Lifeliner Hopper Liner \$2,625.00 to a **total amount of \$124.315.00** which is the total of the Lowest Conforming Bid.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Bond Ordinance #12-2007 appropriation for the purpose stated in the above resolution.

\_\_\_\_\_  
**MICHAEL J. BASCOM, C.F.O.**

Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

D. Councilwoman Bills introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 169-2007**  
**BOROUGH OF SEA BRIGHT**  
**AWARD OF CONTRACT**  
**FOR HD AERIAL LADDER FIRE APPARATUS**

**WHEREAS**, sealed proposals for a new and unused 75" HD Aerial Ladder Fire Apparatus were received and found in accordance with the specifications prepared by the appropriate Borough Officials and approved by the Governing Body of the Borough of Sea Bright, New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright to award the contract to:

**CAMPBELL SUPPLY CO., LLC**  
**145 Talmadge Road**  
**Edison, New Jersey 08817**

For the following contract amount: \$532,675.00 plus the optional equipment totaling \$41,394.65 for a **total amount of \$574,069.65** which is the total of the Lowest Conforming Bid.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Bond Ordinance #12-2007 appropriation for the purpose stated in the above resolution.

\_\_\_\_\_  
**MICHAEL J. BASCOM, C.F.O.**

Second by Councilwoman Long and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**E. Resolution No. 171-2007** awarding contract for Public Works rammer and roller was carried to September 4, 2007.

**F. Discussion:** Sewer Main-Ocean Avenue. Councilwoman Fernandes said that there still remains a sewer main issue on Ocean Avenue where there is a dip in the roadway. Engineer Hoder said he has inspected it and recommends an excavation to assess the severity of the problem as it could be sewer related. Sea Bright and Rumson share the same sewer line and Rumson has been notified.

**G. Discussion:** Cats. Councilman Kelly said that they have looked at various options regarding the ongoing feral cat issue in Sea Bright. Volunteers would catch kittens for adoption thus bringing down the feline population. Female cats could be relocated to farms. The Borough of Sea Bright could implement a catch, neuter and release program. The goal is to reduce the feral cat population without euthanization. Councilman Kelly asked the Governing Body to consider adopting an Ordinance for a catch, neuter and release program.

Councilwoman Long and Mayor Kalaka-Adams applauded Councilman Kelly's efforts and ideas regarding the feral cat problem.

Councilman Kelly said that Kerry Gowan, Animal Control Officer has done quite a lot of work regarding this issue.

**8. MONTHLY REPORTS FOR JULY 2007:**

- A. Municipal Court Administrator
- B. Chief of Police
- C. Director of Public Works
- D. Recreation Administrator
- E. Tax/Sewer Collector
- F. Municipal Clerk
- G. Library Director

**9. CORRESPONDENCE AND COMMUNICATIONS:**

- A. Monmouth County Regional Health Commission - Minutes of June 20, 2007.

**10. COMMITTEE REPORTS:**

- A. Beach/Environment/Cultural Arts: Councilman Scriven reported that Beach Revenues increased by 2.5% compared to 2006. This past weekend had poor beach attendance because of cool temperatures, and rain. Hopefully, the weather for the next two weekends would bring strong revenues ending with a successful beach season.

The Beach Committee have begun preparations for the replacement of the Lifeguard Building for the 2008 Beach Season.

Councilman Scriven thanked Public Works Director Dave Bahrle and his crew for the removal of large debris at Island View Beach.

The Library will have a bake, book and photography sale for Sea Bright Day and all proceeds would benefit the Library. The Library will host a dinner and dance fundraiser at the Quay, November 2, 2007. Tickets go on sale for \$75.00. There is to be a 50/50 and winners need not be present to win.

Councilman Scriven said The Environmental Partnership Group will be sending a letter to the Governor requesting that he use executive order to have the NJDOT and NJDEP complete an Environmental Protection Assessment prior to contract bidding on the Highlands/Sea Bright Bridge. Letters would also be sent to

members of the Assembly and the Senate whose responsibility lies with New Jersey's Transportation issues.

**B. Public Works/Building Maintenance/Beautification:**

Councilwoman Fernandes reported that the Public Works Committee discussed with Engineers Hoder and Mainberger on August 1 and again on August 9 with final plans regarding the DIIP. Councilwoman Fernandes contacted the Bureau of Tidelands regarding the status of DIIP application and it is in its final stages.

Chief Moore received the new doors to be installed at the Cecile F. Norton Community Center. There would be a new entrance located to the right of Borough Hall's main entrance during court and the original entrance will be a fire exit. For all other purposes other than court sessions the main entrance would be the same.

The Planning Board met with Mary Tangolics, Zoning/Planning Officer and has adopted recommendations which would be available to the Council soon. Mary Tangolics would look into the Smart Growth plan for the Downtown area. The Planning Board has agreed to have her map the Downtown area and report her findings and recommendations to them.

Mayor Kalaka-Adams said that Sea Bright is still waiting to get financial information needed for salt shed shared services from Monmouth Beach.

Councilwoman Fernandes asked Borough Clerk Smeltzer to contact Long Branch regarding using their salt storage area.

Councilwoman Fernandes said that changing the location for the submersible pump and generator from Sea Bright Borough's easement to Beach Street would incur additional engineering costs and greatly delay the project. Engineer Hoder would have to reapply for application with DEP, the Tidelands and from an engineering stand point he would have to redirect the pipes. There are existing homes at the end of Beach and installing pumps and a generator would prove to be a nuisance. This project has been ongoing between two to three years and the residents in the area have already expressed their displeasure as it greatly affects their way of life.

Councilman Keeler said that the location for the pump and generator would be better suited and safer at Beach Street. The 30-36" wide outflow pipe would produce large volumes of water pressure which could be hazardous at the Front Street easement location. Also, at the end of Front Street many people enjoy that area for recreational purposes and the large pipe would be shooting out sewerage. Installing the generator on Beach Street would not be a nuisance to the local residents because it would be rare if the generator had to go on if the pump was not operating. He said that the Borough owned easement should remain unencumbered for future plans.

Councilmembers Kelly and Long said that residents have expressed displeasure that the DIIP project has taken so long and any more delays would pose problems for the residents.

Councilman Keeler said that he would want to research this and see if the DIIP changes would have to go back for full review.

**C. Personnel/Office Administration/Court/Public Relations:**

Councilman Kelly said that Sea Bright's website was updated to reflect new businesses in town and removing businesses that are no longer in Sea Bright. The Emergency Radio Station 1630 AM was posted on the web site.

The court revenues increased \$61,000 for 2007 from \$36,000 for last year and this increased Revenue to the Borough.

Councilman Kelly said that Sea Bright Day would be September 8 with a rain date of September 9. The Library will be hosting several sales, the Fire Ladies will hold their Flea Market and the Fire Department will do the cooking. There will be rides, a petting zoo, bake sales, T-shirt sales, music etc. The Sea Breeze will be published soon.

**D. Finance/Insurance/Flood Control/Capital Projects:**

Councilman Keeler said Department Heads met with CFO Bascom for departmental and interdepartmental budget processes and procedures.

Councilman Keeler said that there is a Safety and Loss Meeting scheduled in September and if any Councilmember has any safety related issues or problems please inform him so he may address the issues at the meeting

The Finance Office along with CFO Bascom are setting up permanent financing for MCIA loans. The loans are for the DIIP and capital improvements for the Borough Facilities.

Councilman Keeler said he would be attending the NJ Association of Flood Plan Management conference in Somerset on October 18 and 19 regarding flood mitigation.

There is also a workshop for Coastal Managers at Monmouth University scheduled for September 6<sup>th</sup>.

Councilman Keeler made a motion to approve a date for the Smart Growth update Special Meeting on August 30, 2007 7PM at Cecile F. Norton Community Center. Second by Councilman Kelly and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

**E. Fire & First Aid/Emergency Management/Code Enforcement/Recreation:**

Councilwoman Bills thanked the Governing Body for passing the resolution to purchase the aerial ladder and fire apparatus from Campbell Supply Company and they can expect a January delivery.

Recreation will be supplying a petting zoo, rides, etc. for Sea Bright Day.

Councilwoman Bills said that the Drum Circle continues to be a successful program and it will continue next summer. The Recreation Department is assisting the Police Department with the Junior Police Academy program with five days of summer camp. 35 youngsters are enrolled in the program and they have planned trips to NYC for the Beast speed boat and Keansburg's Runaway with lunch after at the Madhatter.

Councilwoman Bills said that there would be a free Beach Concert on August 26 from 6 to 9pm at the Municipal Beach. The band for the concert would be The Next Generation of Soul and they play a range of music from pop to Jazz.

The Recreation Department would be having the annual Sea Bright Skim Bash at the Municipal Beach on September 9. Prizes would be awarded for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> for all divisions. There would be a \$15.00 registration fee which includes lunch, tee shirts and other giveaways. Skimshop.com would be donating the prizes. Registration would be at 8am on the day of the Skim Bash.

Councilwoman Bills said that the Recreation Committee is working with Engineer Hoder who would be applying for a grant for a skateboard park and sent to the Monmouth County Park System. The Recreation Committee has been working with Spohn Ranch Inc. a company that designs skateboard parks.

**F. Police/Education/Grants:** Councilwoman Long reported that the Police continue to monitor speeding on Ocean Avenue with 228 cars stopped and 78 motorists received tickets. This program's emphasis is to educate motorists about the speed limit on Ocean Avenue and not to persecute them. She said that the Mayor and she received complaints from residents regarding the lack of attention for traffic safety in North Beach. Traffic check points were not in force due to weather and scheduling conflicts. Traffic safety checkpoints continued in August.

Councilwoman Long said that the Police Department continued to work on its accreditation process with excellent results. Detective Arias and Patrolman Fisler have done a great job organizing the Junior Police Academy. Two officers have been certified to teach other officers about radar.

The Police Committee met to begin work on permit parking by next year. The plan is to have one permit per vehicle. Exemptions to permit parking would be contractors and other companies working on commercial and residential projects. The permit fees are still undetermined. The Ordinance for permit parking would be very specific which would include naming the streets and having a system in place for the police to track and enforce permits.

Councilwoman Long said that an article by the Asbury Park Press spoke of a law Governor Corzine signed that there is a possibility of eliminating 23 school districts in New Jersey that do not operate their own schools and Sea Bright is one of those school districts. Presently, It is not clear how Sea Bright would be affected. She said that she is waiting to hear from the Commissioner of Education for information on how this would affect Sea Bright.

**11. REMARKS FROM THE AUDIENCE:** Sea Bright Fire Chief Pat Mason thanked the Mayor and Council for awarding the aerial fire apparatus and fire equipment to the Sea Bright Fire Department.

**12. ADJOURNMENT:** There being no further business before the Governing Body. Councilman Scriven made a motion to adjourn the meeting at 8:13 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer  
Municipal Clerk