



BOROUGH OF FANWOOD  
UNION COUNTY, NEW JERSEY  
MAYOR AND BOROUGH COUNCIL

WORK SESSION MEETING  
Monday, May 3, 2021 ~ 7:00 P.M.

**I. OPEN PUBLIC MEETING STATEMENT:**

This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Times, Westfield, New Jersey, the Courier News, Bridgewater, New Jersey, the Star Ledger, Newark, New Jersey, and the Alternate Press (TAP Into.net). In addition, copies of notice were posted on the bulletin board in the Municipal Building and filed in the Office of the Borough Clerk. Notices on the bulletin board have remained continuously posted. Proper notice having been given the Borough Clerk is directed to include this statement in the minutes of this meeting.

**II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**III. ROLL CALL**

Council President Anthony Carter, Jeffrey Banks, Francine Glaser, Erin McElroy Barker, Katherine Mitchell, Patricia Walsh, Mayor Colleen Mahr

**IV. PRESENTATIONS, DISCUSSIONS, ANNOUNCEMENTS**

- a. Discussion Topic: Cannabis Legislation  
Establishment of the Mayor's Cannabis Legislation Review Working Group
  
- b. Discussion Topic: **5/17/2021 Ordinances**  
Amend Bond Ordinance for Union County Infrastructure Grant
  
- c. Discussion Topic: **5/17/2021 Resolutions**
  1. Interlocal Agreement for the use of the Westfield Conservation Center
  2. Temporary Emergency Budget Appropriation
  3. Payment of Claims
  4. Contract increase, Rogut McCarthy – Redevelopment Attorney for an additional \$10,000.00
  5. Contract increase, Millennium Strategies – Grant Writer for an additional \$29,000.00
  6. Contract increase, Russell J. Huegel, Esq. for an additional \$20,000
  7. LOSAP, Rescue Squad
  8. LOSAP, Fire Department
  9. Pole painting contract award
  
- d. Discussion Topic: **5/17/2021 Proclamations**
  1. National Rescue Squad Month/EMS Week
  2. National Police Week
  3. National Mental Health Awareness Month
  4. National Gun Violence Awareness Day
  5. National Nurses Week
  6. 52<sup>nd</sup> Annual Professional Municipal Clerks Week

**V. STANDING COMMITTEE REPORTS**

- |  |   |
|--|---|
| <p>1. Administration and Finance<br/>Municipal Court</p> <p>2. Public Safety</p> <p>3. Public Works<br/>Department of Public Works<br/>Engineering<br/>Construction/ Building Department</p> <p>4. Land Use &amp; Historic Preservation<br/>Fanwood Memorial Library</p> <p>5. Recreation and Community Services</p> <p>6. Health and Senior Citizens Services</p> <p>7. Executive Projects &amp; Appointments<br/>Downtown Economic Development</p> | <p>Councilmember Erin McElroy Barker<br/>Joy Veeck, Municipal Court Administrator</p> <p>Police Commissioner Patricia Walsh</p> <p>Councilmember Francine Glaser<br/>Clinton H. Dicksen, Director<br/>Antonios Panagopoulos, T&amp;M Associates<br/>Frank Spallone, Construction Official</p> <p>Councilmember Jeffrey Banks<br/>Dan Weiss, Director</p> <p>Council President Anthony Carter<br/>Councilmember Katherine Mitchell</p> <p>Mayor Colleen Mahr<br/>Elizabeth Jeffery, Director</p> |
|--|---|

**VI. UNFINISHED (OLD) BUSINESS**

**a. ORDINANCES – SECOND READING, PUBLIC HEARING, FINAL ADOPTION**

<b>O-2021-10-S (A&amp;F)</b>	AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING SEWER RATES FOR 2021 <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>O-2021-11-R (A&amp;F)</b>	AN ORDINANCE OF THE BOROUGH OF FANWOOD, IN THE COUNTY OF UNION, NEW JERSEY, ESTABLISHING STORMWATER MANAGEMENT MEASURES AND DESIGN AND PERFORMANCE STANDARDS <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker

**b. RESOLUTIONS**

<b>2021-04-108 (A&amp;F)</b>	RESOLUTION AMENDING RESOLUTION 2021-04-101 AUTHORIZING AN AGREEMENT WITH TRINITAS HOSPITAL FAMILY RESOURCE CENTER TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM; NOT TO EXCEED \$1,300.00 <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-109 (A&amp;F)</b>	RESOLUTION AMENDING RESOLUTION 2021-04-103 AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH MESSERCOLA EXCAVATING TO PROVIDE LEAF HAULING AND DISPOSAL SERVICES; NOT TO EXCEED \$25,000.00 <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-110 (A&amp;F)</b>	RESOLUTION AMENDING RESOLUTION 2021-04-105 AUTHORIZING THE AGREEMENT WITH BAYSHORE RECYCLING COPORATION FOR CURBSIDE RECYCLING SERVICES WITHIN THE BOROUGH; NOT TO EXCEED \$82.00 PER TON AT A MAXIMUM OF \$25,000.00 <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-111 (A&amp;F)</b>	RESOLUTION AUTHORIZING THE HIRING OF A SEASONAL EMPLOYEE FOR THE DEPARTMENT OF PUBLIC WORKS, LOUIS BOCK <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-112 (A&amp;F)</b>	RESOLUTION AUTHORIZING A CONTRACT WITH D. GERMINDER LANDSCAPE CONTRACTOR, LLC. FOR THE MAINTENANCE OF LANDSCAPING AT MULTIPLE MUNICIPAL PROPERTIES; NOT TO EXCEED \$16,245.00. <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-113 (A&amp;F)</b>	RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT WITH A WIRELESS TELECOMMUNICATIONS CONSULTANT; NOT TO EXCEED \$2,500.00 <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker
<b>2021-05-114 (A&amp;F)</b>	RESOLUTION APPOINTING A BOROUGH ENGINEER (EFFECTIVE JUNE 1, 2021). <b>MOTION - Administration and Finance:</b> Councilmember Erin McElroy Barker

2021-05-115 <b>(PUB. SAFETY)</b>	RESOLUTION IMPLEMENTING INCREASES AS PER THE COLLECTIVE BARGAINING AGREEMENT WITH FOR THE FANWOOD POLICE DEPARTMENT <b>MOTION - Public Safety:</b> Police Commissioner Patricia Walsh
-------------------------------------	--

VII. **NEW BUSINESS**

VIII. **PRIVILEGE OF THE FLOOR BY THE PUBLIC**

General comments on any item; 5 minutes per speaker.

Speakers are requested to please state name and address for the record.

IX. **EXECUTIVE CLOSED SESSION**

2021-05-113	RESOLUTION AUTHORIZING AN EXECUTIVE CLOSED SESSION <u>SUBJECT MATTER</u> 1. Personnel 2. Contract negotiations 3. Matters falling within the attorney-client privilege
-------------	--

X. **ADJOURNMENT**

\*\*\*Upcoming Meetings: Regular Meeting of May 17, 2021 - 7:00 PM

## INTERLOCAL AGREEMENT

THIS AGREEMENT, dated this      day of      2021 between the TOWN OF WESTFIELD, a municipal corporation of the State of New Jersey, located at 425 East Broad Street, Westfield, New Jersey 07090 (“Westfield”) and the BOROUGH OF FANWOOD, a municipal corporation of the State of New Jersey, located at 75 N. Martine Avenue, Fanwood, NJ 07023 (“Fanwood”).

WHEREAS, Westfield and Fanwood agree it is in their respective best interest to share services for the disposal of certain recyclable materials and yard debris; and

WHEREAS, Fanwood seeks to offer to its residents a service to dispose of certain recyclable materials and yard debris; and

WHEREAS, Westfield agrees to a pilot program to permit up to 200 Fanwood residents to use the Westfield Conservation Center for the disposal of recyclable material and yard debris as defined in this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the parties hereby agree to the following:

1. PERMITS. Westfield agrees that effective xxx xx 2021, it will issue up to 200 permits to residents of Fanwood allowing the permit holder to use the Westfield Conservation Center located on Lambert Mill Road pursuant to the terms and conditions set forth in the attached Exhibit, which are incorporated into this Agreement. To the extent any terms of the Exhibit contradict provisions of this Agreement, the terms of this Agreement shall control.

Fanwood residents must purchase permits at 959 North Avenue, Westfield, New Jersey or on the online portal through the Town website.

2. FEE. The fee for the permit shall be \$120.

3. ELIGIBILITY. Permits shall be issued to residents of Fanwood that produce valid and current proof of residency. The permit shall be valid for the disposal of residential recyclable material and yard debris as defined by this Agreement. The permit shall not be used for the disposal of material generated by business operations. By way of example and not limitations, business operations include landscaping and tree services. Permit holders found to be disposing of material generated by business operations shall have their permits revoked immediately.

4. TERM. This Agreement expires on December 31, 2021. All permits issued pursuant to this agreement shall expire on December 31, 2021.

5. INDEMNIFICATION. Fanwood understands and agrees that its residents' use of the Westfield Conservation Center is at the residents' own risk and that Fanwood shall notify its residents of this condition in all communications and advertisements concerning this pilot program. Fanwood further agrees that it shall indemnify Westfield for any claim against Westfield by a Fanwood resident based on alleged negligence. Fanwood will not be responsible to indemnify Westfield for any claims based on an intentional tort or gross negligence.

6. WAIVER. The failure of either party hereto to insist upon the strict conditions of this Agreement or to exercise any right, remedy or election herein contained or permitted by law shall not constitute or be construed as a waiver or relinquishment for the future of such covenant, agreement, term, provision, limitation, condition, right, remedy or election, but the

same shall continue to remain in full force and effect. No covenant, agreement, term, provision, limitation or condition of this Agreement shall be deemed to have been waived by either party unless such waiver shall be in writing, signed by such party or its duly authorized agent.

7. GOVERNING LAW. This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey.

8. CAPTIONS. The captions of the sections of this Agreement are inserted only as a convenience and for reference and shall in no way define, limit or describe the scope of this Agreement or any section or provision thereof. References to section numbers are to those in this Agreement unless otherwise noted.

9. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties hereto and any executory agreement hereafter made between them shall be ineffective to change, modify, waive, relieve, discharge, terminate or effect an abandonment of this Agreement, in whole or part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification, waiver, release, discharge, termination or the effecting of the abandonment is sought.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year written above.

ATTEST:

TOWN OF WESTFIELD

\_\_\_\_\_  
, Clerk

\_\_\_\_\_  
, Mayor



March 2, 2021

Borough of Fanwood  
Attn: Mayor and Council  
75 North Martine Av  
Fanwood, NJ 07023

Dear Mayor and Council,

Enclosed is a list of Fanwood Rescue Squad members that qualify for the Length of Service Award Program (LOSAP) for the Year 2020. Nine (9) members have qualified for this service award with 50 or more points for the year.

As the sponsoring agency, please review the attached list and approve the final certification for the LOSAP participants. If you require any supplemental documentation please contact the undersigned at your earliest convenience. Once the Council approves the list and notifies the Squad, the list will be posted for 30 days at the Squad Building for the members to review. Any appeals will be handled during that time.

Thank you for your assistance in this matter and I appreciate the Borough's continuous support. If you have any questions please call me at 732-259-5570.

Sincerely,

A handwritten signature in cursive script that reads "Ian J. Lewis".

Ian J. Lewis  
Captain, Fanwood Rescue Squad

CF: President, Jamie Pedinoff

## FANWOOD RESCUE SQUAD LOSAP POINT TOTALS for 2020

Name	(20 max) Training	(10 max) Mobilization	(20 max) Night Crew	(20 max) Positions	(12 max) Meetings	(25 total) Response	(15 max) Misc Activ	(50 min) TOTAL
L Winsor, Edward	0	2	20	10	12	25	15	84
A Lewis, Ian	0	2	20	10	9	25	12	78
A Joe, Nam-June	0	2	20	20	12	0	8	62
L Buckridee, Patty	0	1	20	20	11	0	4	56
A Zawodniak, Dave	0	1	20	20	12	0	2	55
A Padulsky, Melissa	7	2	20	10	5	0	7	51
A Downing, Brian	20	0	0	20	6	0	4	50
A Mustachio, Nancy	13	5	20	0	2	0	10	50
A Valdez III, Marcus	0	0	20	20	8	0	2	50

A= ACTIVE MEMBERS - eligible for LOSAP awards

L=LIFE MEMBER - eligible for LOSAP awards

P= PROBATIONARY MEMBERS - NOT eligible for LOSAP awards

MEMBERS WITH 50 OR MORE POINTS:	<u>Qualified:</u>	<u>9</u>
MEMBERS WITH 100 OR MORE POINTS:	<u>Qualified:</u>	<u>0</u>

*Ian J. Lewis*

I certify that the above data is accurate and true: \_\_\_\_\_

Ian J. Lewis, Captain



# **FANWOOD FIRE DEPARTMENT**

## **L.O.S.A.P. REPORT**

**2020**

Posted – 4/20/2021 – 4/27/2021

## Fanwood Fire Department

The following is a list of Active Members that have earned a minimum of 50 points as detailed in the Borough of Fanwood ordinance #99-18-R and are entitled to L.O.S.A.P. benefits for 2020:

Frank Dietl -	90 points
Ken Gorman -	102 points
Anthony Grasso Jr -	72 points
Raphael Hamill -	52 points
Bruce Padulsky -	70 points
Daniel Piccola -	50 points
Dante Clausen -	82 points **
John Piccola -	102 points
Steve Szanto -	80 points
Dave Zawodniak -	103 points
Vincenzo Bianco -	62 points
Matthew Ridge -	80 points
Nicholas Tripodi -	76 points **

Total number of Active Members earning L.O.S.A.P. for 2020 - **13**

**\*\* - New**

## Fanwood Fire Department

The following is a breakdown of Active Members who did earn a minimum of 50 points as detailed under Borough of Fanwood Ordinance No. 99-18-R and are eligible for L.O.S.A.P. benefits for 2020:

Frank Dietl 55% - 40 pts.	Ken Gorman 66% - 50 pts.	Anthony Grasso Jr 48% - 30 pts.
Elected Officer - 20 pts.	Elected Officer - 20 pts.	Elected Officer - 20 pts.
Drills - 18 pts.	Drills - 20 pts.	Drills - 14 pts.
Meetings - 10 pts.	Meetings - 10 pts.	Meetings - 8 pts.
Stand-by - 2 pts.	Stand-by - 2 pts.	Stand-by - 0 pts.
<b>TOTAL - 90 points</b>	<b>TOTAL - 102 points</b>	<b>TOTAL - 72 points</b>

Bruce Padulsky 56% - 40 pts.	Dante Clausen 77% - 50 pts.	Nicholas Tripodi 55% - 40 pts.
Elected Officer - 0 pts.	Elected Officer - 0 pts.	Elected Officer - 0 pts.
Drills - 20 pts.	Drills - 20 pts.	Drills - 22 pts.
Meetings - 10 pts.	Meetings - 10 pts.	Meetings - 12 pts.
Stand-by - 0 pts.	Stand-by - 2 pts.	Stand-by - 2 pts.
<b>TOTAL - 70 points</b>	<b>TOTAL - 82 points</b>	<b>TOTAL - 76 points</b>

Daniel Piccola 36% - 20 pts.	John Piccola 80% - 50 pts.	Matthew Ridge 43% - 30 pts.
Elected Officer - 0 pts.	Elected Officer - 20 pts.	Elected Officer - 20 pts.
Drills - 20 pts.	Drills - 20 pts.	Drills - 18 pts.
Meetings - 8 pts.	Meetings - 10 pts.	Meetings - 10 pts.
Stand-by - 2 pts.	Stand-by - 2 pts.	Stand-by - 2 pts.
<b>TOTAL - 50 points</b>	<b>TOTAL - 102 points</b>	<b>TOTAL - 80 points</b>

Steve Szanto 60% - 50 pts.	Dave Zawodniak 56% - 50 pts.	Vincenzo Bianco 32% - 20 pts.
Elected Officer - 10 pts.	Elected Officer - 20 pts.	Elected Officer - 10 pts.
Drills - 10 pts.	Drills - 20 pts.	Drills - 18 pts.
Meetings - 10 pts.	Meetings - 11 pts.	Meetings - 12 pts.
Stand-by - 0 pts.	Stand-by - 2 pts.	Stand-by - 2 pts.
<b>TOTAL - 80 points</b>	<b>TOTAL - 103 points</b>	<b>TOTAL - 62 points</b>

Raphael Hamill 39% - 20 pts.
Elected Officer - 10 pts.
Drills - 10 pts.
Meetings - 12 pts.
Stand-by - 0 pts.
<b>TOTAL - 52 points</b>

## Fanwood Fire Department

The following is a breakdown of Active Members who did not earn a minimum of 50 points as detailed under Borough of Fanwood Ordinance No. 99-18-R and are not eligible for L.O.S.A.P. benefits for 2020:

Kristopher Piccola 28% - 0 pts.	Brian Piccola 19% - 0 pts.	Michael Buchney 26% - 0 pts.
Elected Officer - 0 pts.	Elected Officer - 0 pts.	Elected Officer - 0 pts.
Drills - 20 pts.	Drills - 12 pts.	Drills - 18 pts.
Meetings - 8 pts.	Meetings - 8 pts.	Meetings - 11 pts.
Stand by - 0 pts.	Stand by - 0 pts.	Stand by - 2 pts.
<b>TOTAL - 28 points</b>	<b>TOTAL - 20 points</b>	<b>TOTAL - 31 points</b>

Michael Colineri 8% - 0 pts.	Maxwell Jones 1% - 0 pts.	Dave Clausen 4% - 0 pts.
Elected Officer - 0 pts.	Elected Officer - 0 pts.	Elected Officer - 0 pts.
Drills - 10 pts.	Drills - 4 pts.	Drills - 0 pts.
Meetings - 10 pts.	Meetings - 2 pts.	Meetings - 2 pts.
Stand-by - 0 pts.	Stand-by - 0 pts.	Stand-by - 0 pts.
<b>TOTAL - 20 points</b>	<b>TOTAL - 6 points</b>	<b>TOTAL - 2 points</b>

Russ Marchica 0% - 0 pts.	Sean Manette 1% - 0 pts.	Jeff Downing 0% - 0 pts.
Elected Officer - 0 pts.	Elected Officer - 0 pts.	Elected Officer - 0 pts.
Drills - 6 pts.	Drills - 2 pts.	Drills - 2 pts.
Meetings - 4 pts.	Meetings - 2 pts.	Meetings - 10 pts.
Stand-by - 0 pts.	Stand-by - 0 pts.	Stand-by - 0 pts.
<b>TOTAL - 10 points</b>	<b>TOTAL - 4 points</b>	<b>TOTAL - 12 points</b>

Doug Germinder 17% - 0 pts.	Matt Hamill 16% - 0 pts.	William Mauer 0% - 0 pts.
Elected Officer - 0 pts.	Elected Officer - 0 pts.	Elected Officer - 0 pts.
Drills - 12 pts.	Drills - 0 pts.	Drills - 4 pts.
Meetings - 10 pts.	Meetings - 6 pts.	Meetings - 2 pts.
Stand-by - 0 pts.	Stand-by - 0 pts.	Stand-by - 0 pts.
<b>TOTAL - 22 points</b>	<b>TOTAL - 6 points</b>	<b>TOTAL - 6 points</b>

Sam Fourre 25% - 0 pts.	Richard Regenthal 1% - 0 pts.	Joe Route 2% - 0 pts.
Elected Officer - 0 pts.	Elected Officer - 10 pts.	Elected Officer - 10 pts.
Drills - 12 pts.	Drills - 0 pts.	Drills - 6 pts.
Meetings - 8 pts.	Meetings - 10 pts.	Meetings - 8 pts.
Stand-by - 0 pts.	Stand-by - 0 pts.	Stand-by - 0 pts.
<b>TOTAL - 20 points</b>	<b>TOTAL - 20 points</b>	<b>TOTAL - 24 points</b>

John DeProspero 5% - 0 pts.	James Drewes 12% - 0 pts.
Elected Officer - 10 pts.	Elected Officer - 10 pts.
Drills - 4 pts.	Drills - 6 pts.
Meetings - 10 pts.	Meetings - 4 pts.
Stand-By - 0 pts.	Stand-By - 2 pts.
<b>TOTAL - 24 points</b>	<b>TOTAL - 22 pts.</b>

## Fanwood Fire Department

The following is a list of **Inactive or Probationary Members** who did not earn a minimum of 50 points as detailed under Borough of Fanwood Ordinance No. 99-18-R and are not eligible for L.O.S.A.P. benefits for 2020:

### **Inactive:**

Howard Drewes

Bob Brennan

### **Probationary:**

Nicholas Route

Peter Tevis

Brian Felber

### **Removed from Roles:**

Matt Zawodniak

Ed Ruhl

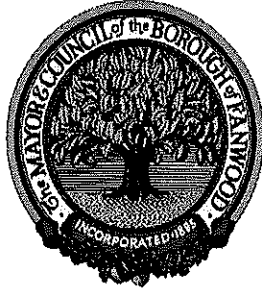
Adam Miksis

Brandon Stearns

Mike Walko

Respectfully Submitted,

John Piccola, Chief  
Fanwood Fire Department



**RESCUE SQUAD MONTH  
MAY 2021**

**NATIONAL EMS WEEK  
MAY 16-22, 2021**

**WHEREAS**, the Borough of Fanwood takes enormous pride in the professionalism and dedication of its volunteer **RESCUE SQUAD** since the Squad was organized in 1948 as a voluntary organization filling a need for extensive and rapid transportation for the medically needy, and

**WHEREAS**, it takes rare individuals to commit to providing emergency services 24 hours a day, 7 days a week and offering quality emergency care that improves the survival and recovery rate of those who experience sudden illness or injury, and

**WHEREAS**, the Fanwood Rescue Squad was organized as a volunteer organization with the first meeting held on January 29, 1948, at the Fanwood Fire House, 130 Watson Road, where its constitution and by-laws were adopted, and

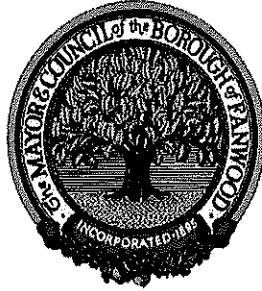
**WHEREAS**, over the last 73 years, the **FANWOOD RESCUE SQUAD** has provided exemplary volunteer service to the residents of Fanwood and adjacent communities, providing high quality pre-hospital care, and

**WHEREAS**, the governing body and the entire community express their deep gratitude to the **FANWOOD RESCUE SQUAD** for its emergency medical care and its embodiment of old-fashioned values and the small-town spirit of volunteerism.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of the Borough of Fanwood do hereby proclaim the month of May as **FANWOOD RESCUE SQUAD MONTH**, and the week of May 16-22, 2021, **NATIONAL EMERGENCY MEDICAL SERVICE WEEK**, with its theme "**This is EMS: Caring for our Communities**" to recognize the commitment and dedication of the EMS providers who are an essential part of community service every day in the Borough of Fanwood and to emphasize their 24/7 year round commitment; and to urge all citizens to join in honoring those emergency volunteers, past, present and future, who serve us by dedicating their time and expertise servicing this community in an exemplary and compassionate manner.

---

Colleen Mahr, Mayor  
May 17, 2021



**NATIONAL PEACE OFFICERS' MEMORIAL DAY  
MAY 15, 2021**

**NATIONAL POLICE WEEK  
MAY 9-15, 2021**

**WHEREAS**, the Congress and President of the United States have designated May 15 as **National Peace Officers' Memorial Day**, and the week of May 9-15 as **National Police Week**, and

**WHEREAS**, since the first known line of duty death in 1786, more than 22,000 United State Law Enforcement Officers have been killed and each year approximately 160 police officers die in the line of duty, and

**WHEREAS**, there are approximately 700,000 law enforcement officers serving communities across the United States including the dedicated members of the Borough's Police Department, who serve the people by safeguarding life and property; by protecting them against violence and disorder; by protecting the innocent against deception, and the weak against oppression, and

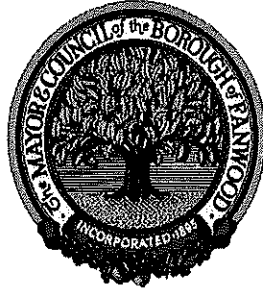
**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, especially during the coronavirus outbreak.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of Fanwood, call upon all citizens of Fanwood and upon all patriotic, civic and educational organizations to observe the week of May 9 to May 15, 2021, as **National Police Week**, to recognize our law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to our community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Fanwood to observe May 15, 2021 as **National Peace Officers' Memorial Day** in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice or have become disabled in the performance of their duty in service to their communities.

---

Colleen Mahr, Mayor  
May 17, 2021



## **BOROUGH OF FANWOOD**

### **NATIONAL MENTAL HEALTH AWARENESS MONTH**

**MAY, 2021**

**WHEREAS**, approximately one in five adults in the United States, 43.8 million, or 18.5%, experience a mental illness in a given year and approximately one in five youths ages 13-18 (21.4%) experience a severe mental health disorder at some point during their lifetime. For children aged 8-15, the estimate is 13%, and

**WHEREAS**, Mental illness is not prejudice as mental health disorders affect men and women of all ages, races and social classes; and

**WHEREAS**, since 1949, the month of May has been observed as Mental Health Month in the United States and many national organizations spotlight Mental Health Month to raise awareness about the importance of mental health and to stop the stigma associated with mental health disorders, and;

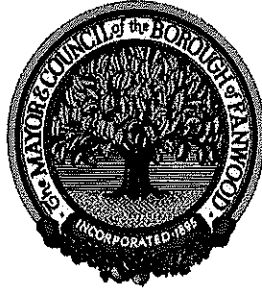
**WHEREAS**, a well-balanced diet, a healthy sleep schedule, exercise, gut health and hydration all affect our mental health and our physical health equally. Studies have shown that individuals who have chronic medical illnesses such as diabetes, high blood pressure or autoimmune disorders have a higher likelihood of being diagnosed with a mental health disorder such as depression or anxiety. Our bodies and mind act as one unit and therefore it is important to care for both our emotional and mental states as well as our physical health.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor of the Borough of Fanwood, hereby proclaims May, 2021, **MENTAL HEALTH MONTH**, and encourage Fanwood Citizens to join the national effort towards awareness of Mental Health.

---

Colleen Mahr, Mayor  
May 17, 2021





## NATIONAL GUN AWARENESS DAY

JUNE 4, 2021

**WHEREAS**, 2020 was a record-breaking year for gun-related deaths, with nearly 20,000 Americans killed, and an additional 24,000 people dying of suicide by gun; and

**WHEREAS** studies indicate that stricter access to guns could reduce firearm-related deaths up to 11% annually, and

**WHEREAS** federal law, which requires background checks for all gun sales by licensed gun dealers, does not require background checks for guns sold by unlicensed sellers online or at gun shows, and

**FURTHER** that this loophole enables people with felony convictions, domestic abuse restraining orders, and others with prohibiting histories to buy guns with no questions asked, and that 11% of gun purchasers at Armslist.com cannot legally have firearms and would fail a background check, and

**WHEREAS** background checks are the foundation of any comprehensive gun violence prevention strategy, and

**WHEREAS** requiring background checks on all gun sales is proven to reduce gun violence, is associated with lower firearm homicide rates, lower firearm suicide rates, and lower firearm trafficking, and

**WHEREAS** states with laws requiring background checks for all gun sales– were associated with 10% lower homicide rates and,

**WHEREAS** HR 8 would close the loophole allowing 25% of gun owners to purchase a firearm so without a background check

**WHEREAS** requiring background checks is not burdensome, simply requiring unlicensed sellers to meet their buyers at a gun dealer for a background check in exactly the same way as for in-store sales and,

**WHEREAS** gun dealerships are prolific and easy to access with four times as many gun dealers as McDonald’s restaurants and twice as many gun dealers as post offices, and,

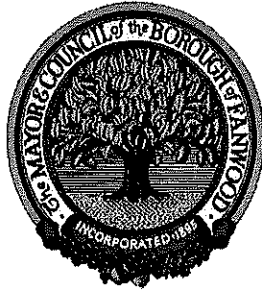
**WHEREAS** 99 percent of Americans live within 10 miles of one of the 59,000 gun dealerships nationwide and,

**WHEREAS** background checks are no infringement on Second Amendment rights.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Fanwood urge our representatives to close this loophole and require background checks on all gun sales—whether online or in-person, and that they move swiftly for the passage of H.R. 8, also known as the “Bipartisan Background Checks Act of 2021”

---

Colleen Mahr, Mayor  
May 17, 2021



**NATIONAL NURSES WEEK  
MAY 6-12, 2020**

**WHEREAS**, the 2020 **National Nurses Week** opens on May 6 and ends on May 12, and acknowledges the strong commitment, compassion and care nurses display in their practice and profession and reflects the nurses' dedication to standards, guidelines and principles defining values and priorities, and

**WHEREAS**, Florence Nightingale, "the lady with the lamp" was the founder of modern nursing and her birthday is celebrated on May 12<sup>th</sup>, for the 201<sup>st</sup> time in 2021, and

**WHEREAS**, since 1893 professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients, and

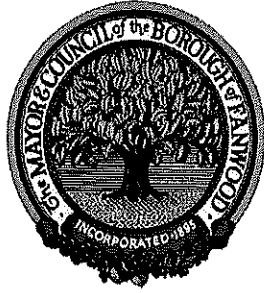
**WHEREAS**, nurses provide the primary care of patients, by helping those who cannot help themselves, and by affording direction, comfort, assurance and relief that all patients crave in time of medical need.

**WHEREAS**, During COVID-19, nurses have worked tirelessly on the front lines to ensure that people who need help are cared for. The pandemic has taken a toll on nurses' morale and mental health. Nursing, in general, is stressful and COVID-19 only amplified that. Therefore, it's critical to use nurses' week to reach out and celebrate the nurses around you and throughout the world. We need to keep nurses emotionally engaged with their work so they will continue providing excellent care to their patients.

**NOW, THEREFORE**, I, Colleen Mahr, Mayor, do hereby proclaim May 6 – 12, 2021, **NATIONAL NURSES WEEK**, in the Borough of Fanwood and ask that all residents in this community join the Council in recognizing Nurses as necessary and compassionate individuals in the care of our residents and to celebrate all nurses, men and women, who have chosen this unique profession as an opportunity to care for their fellow citizens with passion and a strong commitment.

---

Colleen Mahr, Mayor  
May 17, 2021



*52nd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK  
May 2 - May 8, 2021*

**Whereas,** The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**Whereas,** The Office of the Professional Municipal Clerk is the oldest among public servants, and

**Whereas,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**Whereas,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**Whereas,** The Professional Municipal Clerk serves as the information center on functions of local government and community.

**Whereas,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**Whereas,** it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**Now, Therefore, I,** Colleen Mahr, Mayor of Borough of Fanwood, do recognize the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Kathleen Holmes, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 17<sup>th</sup> day of May, 2021

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: O-2021-10-S

## AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY, ESTABLISHING SEWER RATE FOR 2021

**WHEREAS**, the Borough of Fanwood (“the Borough”), pursuant to the New Jersey Municipalities & County Sewerage Act, N.J.S.A. 40A:26A-1 *et seq.* and Fanwood Ordinance No. 18-02-R created “The Fanwood Sewer Utility”; and

**WHEREAS**, the Borough desires to set the sewer rates for the year 2021.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey as follows:

**Section 1.** The following definitions shall apply to this Chapter:

- A. Property Class Code 1 shall refer to vacant land;
- B. Property Class Code 2 shall refer to residential use properties;
- C. Property Class Code 4A shall refer to commercial properties;
- D. Property Class Code 4B shall refer to industrial properties;
- E. Property Class Code 4C shall refer to apartment;
- F. Property Class Code 15C shall refer to publicly owned properties; and
- G. Property Class Code 15F shall refer to tax exempt properties;

**Section 2.** The following schedule shall be the annual charge for users of the sewer system for the year 2021:

**Residential & Tax Exempt Properties:**

Up to 35,000 Gallons	\$75.00
Up to 70,000 Gallons	\$150.00
In excess of 70,000 Gallons	\$150.00 plus an additional \$30.00 per 10,000 Gallons over 70,000 with no Class Code 2 or Class Code 15F property being charged more than \$1,000.00. This schedule shall not apply to properties covered by Chapter 268 of the Borough Code and <i>N.J.S.A. 40A:21-1 et. seq.</i>

**Commercial Properties:**

Up to 35,000 Gallons	\$75.00
Up to 70,000 Gallons	\$300.00
In excess of 70,000 Gallons 10,000 Gallons over 70,000.	\$300.00 plus an additional \$70.00 per

**Mixed Use Properties:**

Up to 35,000 Gallons	\$75.00
Up to 70,000 Gallons	\$225.00
In excess of 70,000 Gallons 10,000 Gallons over 70,000.	\$225.00 plus an additional \$50.00 per

**Borough Owned Properties & vacant land:**

Exempt from fee

**Section 3.** This Ordinance shall not apply to property class code 15 C properties owned by the Borough.

**Section 4.** This Ordinance shall not apply to property class code 1 properties which are defined as vacant land.

**Section 5.** This Ordinance shall not apply to all other vacant lot properties within the Borough.

**Section 6.** This Ordinance shall apply to those properties within the Borough that are served by well water shall be charged the same fee as those properties falling within property class code 2 residential up to 35,000-gallon range.

**Section 7.** Payors of accounts maintained by the Fanwood Sewer Utility shall have a right to request a review of charges on their account. Payor requests shall be submitted in writing and accompanied by annual water bill showing consumption.

**Section 8.** This Ordinance shall supersede and replace any prior Resolution or Ordinance contrary hereto.

**Section 9.** If any part of this Ordinance shall be deemed invalid, such part shall be severed, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section 10.** This Ordinance shall take effect as provided by law.

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: O-2021-11-R

## AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND THE STATE OF NEW JERSEY, ESTABLISHING STORMWATER MANAGEMENT MEASURES AND DESIGN AND PERFORMANCE STANDARDS

**WHEREAS**, the State of New Jersey requires municipalities to regulate and account for stormwater management measures and design and performance standards; and

**WHEREAS**, the State of New Jersey's laws and regulations governing this field change from time to time; and

**WHEREAS**, the Borough of Fanwood ("Borough") wishes to comply with all of the laws and regulations occupying this area for the public health and environmental safety of the Borough; and

### **Section I. Scope and Purpose:**

#### A. Policy Statement

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

#### B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

#### C. Applicability

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

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

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

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

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

### **Section II. Definitions:**

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

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

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

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

"Compaction" means the increase in soil bulk density.

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



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

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

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

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains,

threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

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

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

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

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

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

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or

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

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

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

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

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

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

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

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

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

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

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

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

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

"Regulated motor vehicle surface" means any of the following, alone or in combination:

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

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

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

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

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by

the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

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

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

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

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

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

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

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

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

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

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

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

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

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

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

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

### **Section III. Design and Performance Standards for Stormwater Management Measures**

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

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

## **Section IV. 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 X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

*(continued on the next page)*

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

[https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).

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



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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page 13 of 33)

(continued on the next page)

**Table 2  
Green Infrastructure BMPs for Stormwater Runoff Quantity  
(or for Groundwater Recharge and/or Stormwater Runoff Quantity  
with a Waiver or Variance from N.J.A.C. 7:8-5.3)**

<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page 13 of 33)*

*(continued on the next page)*

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

Notes to Tables 1, 2, and 3:

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

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have

parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Union County Clerks Office. A form of deed notice shall be submitted to the

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

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Union County Clerk's office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

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

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

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

**P. Groundwater Recharge Standards**

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

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

#### Q. Stormwater Runoff Quality Standards

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



- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

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

*(continued on the next page)*

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

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

Where

*R* = total TSS Percent Load Removal from application of both BMPs, and  
*A* = the TSS Percent Removal Rate applicable to the first BMP  
*B* = the TSS Percent Removal Rate applicable to the second BMP.

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

#### R. Stormwater Runoff Quantity Standards

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

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

## **Section V. Calculation of Stormwater Runoff and Groundwater Recharge:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section VI. Sources for Technical Guidance:**

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

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

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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

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

## Section VII. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

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

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

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to

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

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

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

### **Section VIII. Safety Standards for Stormwater Management Basins:**

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



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

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

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

a threat to public safety.



### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

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

#### 2. Environmental Site Analysis

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

#### 3. Project Description and Site Plans

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

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

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

## 5. Stormwater Management Facilities Map

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

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

## 6. Calculations

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

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

## 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.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 X. Maintenance and Repair:**

### **A. Applicability**

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

### **B. General Maintenance**

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration

of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

*Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:*

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

**Section XI. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties prescribed under Section 184-193 and Section 184-194 of the Borough Code.

**Section XII. Severability:**

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

**Section XIII. Effective Date:**

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

**NOW THEREFORE BE IT FURTHER ORDAINED** this section of 255 -7 through 255 -15 shall take effect as provided by Law.

## BOROUGH OF FANWOOD, COUNTY OF UNION

RESOLUTION 21-05-108	Adopted: May 3, 2021
----------------------	----------------------

**WHEREAS**, the Mayor and Council wish to contract for an employee assistance program that will provide employee assistance and wellness services for all full-time employees in the Borough, and

**WHEREAS**, Family Resource Center-Comprehensive Assistance and Referral for Employees (CARE), Employee Assistance Program Agreement (E.A.P), a program of Trinitas Hospital, has submitted a proposal to provide this service at a cost of \$1,300.00/year.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Fanwood do hereby authorize the contract for an employee assistance program for year April 1, 2021 through March 31, 2022, to Trinitas Hospital, Family Resource Center, CARE/EAP, 300 North Avenue East, Cranford, NJ 07016.

This is to certify that the above is a true and exact copy of a resolution adopted by the Borough Council on May 3, 2021.



**BOROUGH OF FANWOOD**  
**CERTIFICATION OF FUNDS**

**As required by N.J.S.A. 40A:4:57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I hereby certify that funds are available to award a payment/contract to**

Contractor:                   Trinitas Hospital, Family Resource Center,  
  CARE/EAP  
  300 North Avenue East  
  Cranford, NJ 07016.

in the amount of:           Not to exceed \$1,300.00

in the account:             2021 Grp Ins. Operating Budget

Services For:                Comprehensive Assistance and Referral for Employees

Resolution No:             21-05-108

Date of Meeting:            May 3, 2021

---

Treasurer/Chief Financial Officer

Date:

**Trinitas Physicians Practice, LLC  
300 North Ave. East  
Cranford, New Jersey, 07016**

**Comprehensive Assistance and Referral for Employees (C.A.R.E.)  
Employee Assistance Program Agreement (E.A.P.)**

THIS AGREEMENT, made the 1<sup>st</sup> day of April 2021,

By and Between Trinitas Physicians Practice, LLC, a non-profit corporation of the State of New Jersey, with offices at 300 North Ave. East, Cranford, New Jersey 07016

Hereinafter designated "Trinitas Physicians Practice, LLC / C.A.R.E. E.A.P".

And Borough of Fanwood

Hereinafter designated "Borough of Fanwood"

WHEREAS, TRINITAS PHYSICIANS PRACTICE, LLC C.A.R.E./E.A.P. provides assistance to business and governmental organizations in connection with the design, implementation, and maintenance of Employee Assistance Programs for employees of such business and governmental organizations;

WHEREAS, BOROUGH OF FANWOOD desires that such a program should be available to its employees.

WITNESSETH that for and in consideration of the mutual promises herein contained, it is understood and agreed as follows:

1. Trinitas Physicians Practice, LLC / C.A.R.E. E.A.P. will:
  - a. Assist in the design of an Employee Assistance Program for the Borough of Fanwood and the development of supporting information for the Program. This shall include working with the Borough of Fanwood management and appropriate staff such as personnel, medical and public relations.
  - b. Hold orientation sessions for all levels of the Borough of Fanwood management, supervisory personnel, and employees to orient them to the employee assistance services according to schedules and locations mutually agreed upon.


- c. Provide assistance to the Borough of Fanwood employees and members of their families through individual interviews and/or counseling sessions. Such sessions will be in response to supervisor, management, or self-referrals and may be held at Borough of Fanwood locations or at one of the Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. locations as mutually convenient to the parties involved.
- d. Where indicated, refer Borough of Fanwood employees to other agencies and individuals for assistance. In making such referrals to other agencies, due regard will be given to the appropriateness of the referrals in view of the need, location, cost and available resources. Also, Borough of Fanwood employees will be advised that they, and not the Borough of Fanwood, shall be responsible for all costs and fees of any such agency for services rendered to them.
- e. Upon request, consult with individuals Borough of Fanwood supervisors regarding potential or actual supervisory referrals.
- f. Provide Critical Incident Stress De-briefings for managers and employees following traumatic events. PTSD debriefings will be billed at an additional \$125.00 an hour.
- g. Provide Borough of Fanwood on a quarterly basis a report of the progress of the Borough of Fanwood Employee Assistance Program.
- h. Such reports shall include a statistical analysis of the numbers and types of referrals.
- i. Designate an Account Manager to represent Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. to the Borough of Fanwood in day-to-day contact regarding the services covered by this agreement.
- j. Represent and warrant that all of the aforesaid services and treatments to be rendered by it will be conducted by duly qualified and, if required, licensed and or certified personnel, and that any and all referrals made by it will be made to such duly qualified and licensed personnel.
- k. Provide professional liability and public liability insurance and provide to the Borough of Fanwood proof of same if requested. The Borough of Fanwood will not be responsible for any malpractice suit that may arise as a result of treatment rendered by Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. hereunder.



In the event that an employee's employment at Borough of Fanwood is terminated during contact with Trinitas Physicians Practice, LLC C.A.R.E./E.A.P., the services of Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. will be continued until completed. Terminated Borough of Fanwood employees who have not had contact with Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. are entitled to coverage under this Agreement as long as their Borough of Fanwood benefits are in effect. This provision does not extent to retirees.

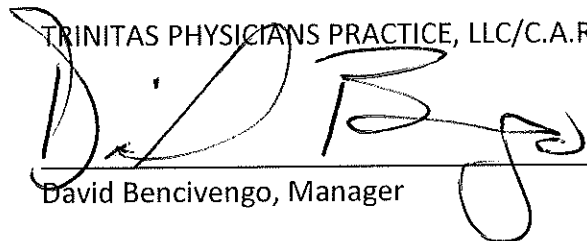
- b. All personnel associated with Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. in connection with this Program shall be deemed employees, agents, servants, or independent contractors of Trinitas Physicians Practice, LLC C.A.R.E./E.A.P. and not employees of Borough of Fanwood, except that physicians or other health care personnel or agencies to whom the employee may be referred for independent consultation or treatment as a result of this Program shall not be considered as employees, agents, servants, or independent contractors of Trinitas Physicians Practice, LLC C.A.R.E./E.A.P.

WITNESS



---

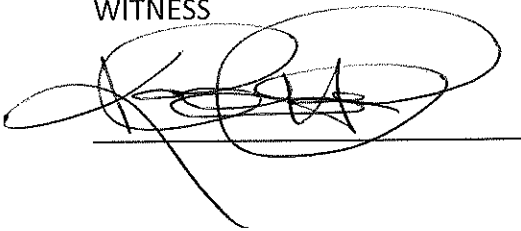
TRINITAS PHYSICIANS PRACTICE, LLC/C.A.R.E E.A.P



---

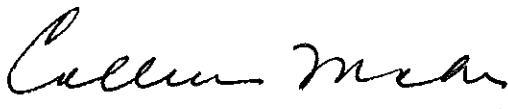
David Bencivengo, Manager

WITNESS



---

BOROUGH OF FANWOOD



---

Colleen Mahr - Mayor

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-05-109

ADOPTED: May 3, 2021

## RESOLUTION AUTHORIZING THE BOROUGH TO ACCEPT THE BID AND ENTER INTO AN AGREEMENT WITH A LEAF HAULING OPERATOR

**WHEREAS**, the Borough of Fanwood (“the Borough”) has determined that it is in need of leaf hauling and related services to serve its residents in disposing of their leaves;

**WHEREAS**, the Borough solicited bids pursuant to the New Jersey Public Contracts Law, *N.J.S.A.* 40A: 11-1 et seq. and *N.J.A.C.* 5:34 to perform the work and in response received only one bid on March 30, 2021; and

**WHEREAS**, Messercola Excavating, Co., Inc. of 549 East Third Street, Plainfield, New Jersey 07060 submitted a bid price of \$3.69 per cubic yard; and

**WHEREAS**, the Borough estimates based upon prior years that it is in need of approximately 6,430 cubic yards of materials to be hauled and disposed; and

**WHEREAS**, the governing body wishes to enter into the Agreement with Messercola Excavating in order to perform leaf hauling and disposal service for the Borough; and

**NOW THEREFORE BE IT RESOLVED**, the governing body hereby authorizes the Borough Administrator to enter into an Agreement with Messercola Excavating to provide leaf hauling and disposal services for a price of 3.69 per cubic yards, not to exceed \$25,000.00 in accordance with the vendor’s terms contained in its bid proposal of March 30, 2021; and

**IT IS FURTHER RESOLVED** that this Resolution shall take effect immediately.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on May 3, 2021.

**BOROUGH OF FANWOOD**

**CERTIFICATION OF FUNDS**

As required by N.J.S.A. 40A:4:57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I hereby certify that funds are available to award a payment/contract to

Contractor: Messercola Excavating Co. Inc.  
549 East Third St., Plainfield, NJ  
Leaf Hauling & Disposal Services

In the amount of: not to exceed \$25,000.00

In the account: 2021 Operating Budget

Services For: Leaf Hauling & Disposal Services

Resolution No: 21-05-109

Date of Meeting: May 3, 2021

---

Treasurer/Chief Financial Officer

Date:

**NOTICE OF AWARD  
OF CONTRACT FOR PROFESSIONAL SERVICES  
BY THE BOROUGH OF FANWOOD  
RESOLUTION 21-**

**CONTRACTOR:** Messercola Excavating Co. Inc.  
549 East Third St., Plainfield, NJ  
Leaf Hauling & Disposal Services

**NATURE OF SERVICE:** Leaf Transport & Disposal

**DURATION:** For a period not to exceed  
December 31, 2021

**FEE:** \$3.69 cubic yard or not to exceed \$25,000.00

A copy of this resolution and Contract relating to the services are on file and available for public inspection in the office of the Borough Clerk.



# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-05-110

ADOPTED: May 3, 2021

## RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AMENDED AGREEMENT WITH BAYSHORE RECYCLING CORPORATION

**WHEREAS**, the Borough of Fanwood (“the Borough”) has b to be in need of transferring and disposing the recyclables of the Borough and its citizens;

**WHEREAS**, the Bayshore Recycling Corporation (“the Corporation”) is organized under the laws of the State of New Jersey and fully licensed by the State to receive and dispose of recyclables;

**WHEREAS**, New Jersey enacted the New Jersey Statewide Mandatory Source Separation & Recycling Act, *N.J.S.A. 13:1E-99.11 et. seq.* (otherwise known as the “Act”);

**WHEREAS**, the Corporation is in a position to offer for sale, services related to receiving and the disposal of the Borough’s and its citizens’ recyclables;

**WHEREAS**, the New Jersey Public Contracts Law, *N.J.S.A. 40A: 11-1 et. seq.* and *N.J.S.A. 40A:11-5(s)* provides an exception to the public bidding process and permits a public entity to directly enter into an agreement for the marketing and disposal recyclable products through a recycling program and authorizes the Parties to enter into an agreement for such an arrangement in order to fulfill the purpose of the Act by the disposal of recyclables;

**WHEREAS**, the Borough has a need to continue its curbside recycling program for the benefit of its residents and to comply with the New Jersey Statewide Mandatory Source Separation & Recycling Act, *N.J.S.A. 13:1E-99.11 et. seq.*;

**WHEREAS**, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.* authorizes the Borough and the Corporation to enter into an agreement for such shared or consolidated recycling services;

**WHEREAS**, the Borough and the Authority desire to enter into an agreement, whereby the Corporation will provide Fanwood with curbside recycling services generated within Fanwood and designated by the Borough; and

**NOW THEREFORE BE IT RESOLVED**, the governing body hereby authorizes the Mayor to enter into an amended Agreement with the Corporation, for a price not to exceed \$82.00 per ton, not to exceed \$25,000.00, intending to be legally bound, in consideration of the mutual covenants and promises made therein,

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on May 3, 2021.

**BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY**

<b>RESOLUTION:</b> 2021-05-111	<b>ADOPTED:</b> May 3, 2021
--------------------------------	-----------------------------

**RESOLUTION AUTHORIZING THE BOROUGH TO HIRE A NEW SEASONAL EMPLOYEE**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood, in the County of Union and State of New Jersey that Louis Bock be and are hereby is appointed as a seasonal employee in the Fanwood Department of Public Works in accordance with law and said appointment being effective April 27, 2021.

<b>Certified to be a true copy of a Resolution adopted by the Governing Body of the Borough of Fanwood at the duly held Meeting on the 3<sup>rd</sup> day of May, 2021.</b>	<b>MOTION:</b> Councilmember
	<b>SECOND:</b> Councilmember
	<b>NO:</b> None
	<b>ABSTAIN:</b> None
	<b>ABSENT:</b> None
<b>Kathleen Holmes, Borough Clerk</b>	



**BOROUGH OF FANWOOD**  
DEPARTMENT OF PUBLIC WORKS  
75 N. Martine Avenue  
Fanwood, New Jersey 07023

Clinton H. Dickson, CPWM  
Director

Phone (908) 322-7404  
FAX (908) 322-7622

**Date:** April 21, 2021

**To:** Rayna Harris, R.M.C., Borough Administrator  
Kathleen Holmes, R.M.C., Borough Clerk  
Colleen Huehn, Tax Collector/Payroll Clerk

**From:** Clinton H. Dickson, C.P.W.M., Director of Public Works

**Re:** Seasonal Employment

---

Effective April 27, 2021, the Department of Public Works would like to hire Louis Bock for seasonal employment at a rate of \$15.00 per hour.

Mr. Bock was employed by the Borough for the 2020 leaf season therefore his application for employment is already on file. The remainder of the paperwork will be submitted next week.

If you have any questions feel free to contact me at your convenience.

**BOROUGH OF FANWOOD  
COUNTY OF UNION**

**RESOLUTION 21-05-112**

**ADOPTED: May 3, 2021**

**WHEREAS**, quotes were solicited by the Public Works Director for the 2021 landscaping maintenance contract with one response, and

**WHEREAS**, D. Germinder Landscape Contractor, LLC was the sole bidder with a bid of \$16,245.00 for a one-year period, and the Public Works Director recommends that the contract be awarded to this vendor.

**BE IT RESOLVED** by the Borough Council that D. Germinder Landscape Contractor, LLC be awarded the contract for landscaping maintenance for 2021, in the amount of \$16,245.00.

This is to certify that the above is a true and exact copy of a resolution adopted by the Borough Council on May 3, 2021

Kathleen Holmes  
Borough Clerk

**BOROUGH OF FANWOOD**

**CERTIFICATION OF FUNDS**

**As required by N.J.S.A. 40A:4:57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I hereby certify that funds are available to award a payment/contract to**

Contractor: D. Germinder Landscape Contractor, LLC  
PO Box 381  
Fanwood, NJ 07923

in the amount of: Not to exceed \$16,245.00

in the account: 2021 PW Operating Budget

Services For: 2021 Landscaping in the Borough

Resolution No: 21-05-112

Date of Meeting: Masy 3, 2021

---

Treasurer/Chief Financial Officer

Date:

## BOROUGH OF FANWOOD

75 North Martine Ave, Fanwood, NJ 07023  
908-322-8236 x 121 [phoynes@fanwoodnj.org](mailto:phoynes@fanwoodnj.org)

Pat Hoynes  
Purchasing Agent

### 2021 Request for Quote Municipal Landscaping Maintenance

Contractors are encouraged to schedule an appointment for a site visit of all locations prior to submitting a quote. **Due date for this quote is March 18, 2021.**

#### Subject properties:

1. Borough Hall
2. Carriage House & parking lot
3. Carriage House Park
4. Library
5. Railroad Station: North and South Sides including clock area
6. Municipal Parking Lot (from LaGrande Avenue to South Avenue behind business district)
7. Community Development Parking Lot
8. Forest Road Park Building and along the walking path.
9. Lagrande Park Building and area around sign at Second St. and LaGrande Ave.
10. Mulch bed at "Welcome to Fanwood" sign (LaGrande & South Avenues)

#### I. Annual Services:

- General cleanup of all subject properties
- Prune/trim all shrubs
  - Weed landscape beds and surrounding areas including sidewalk and curb areas as directed. Weeds/roots must be completely removed (cutting is not acceptable).
- Dispose of vegetative waste (not to be brought to the Fanwood Recycling Center)
- Edge around all landscaping beds and trees a minimum of 4" to provide a transition between the mulch and the lawn areas.
- Spread Fanwood Recycling Center mulch\* in all landscaping beds.
- Spread Fanwood Recycling Center mulch\* around all trees as per the following:
  - Rake or remove any hard crust from previous year's mulch and add only enough new mulch to maintain a 2-inch to 4-inch layer.

---

\*Contractor to transport mulch from the Fanwood Recycling Center where Borough employees will load contractor trucks.



- Start 6 inches from the tree trunk at ground level and mulch outward to the edge of the dripline\*\*.
- Mulch in a donut shape.
- Mulch should never be piled against or touch a tree trunk.

**II. Monthly services** from date of award through October:

- Weed landscape beds and surrounding areas including sidewalk and curb areas as directed. Weeds/roots must be completely removed (cutting is not acceptable).

**III. Event services** prior to the following events and holidays. All Work to be completed no more than one (1) week prior to the event or as directed by the Public Works Director:

- Memorial Day
- Fanny Wood Day (TBA)

**IV. Plantings**

Contractor shall provide and install the following plantings two (2) times per year in the following locations as directed by the Borough:

Site	Planting	Timeframe
Council Chamber/Courtroom entrance	2 flats flowers	Late Spring
	10 mums	September
Borough Hall Entrance *	4 flats flowers	Late Spring
	25 mums	September
Carriage House – fronting Watson Road	2 flat flowers	Late Spring
	6 mums	September
Cultural Arts Sign (at N. Martine Ave)	2 flats flowers	Late Spring
	6 mums	September
South Side Train Station-Clock Park (South Ave.)	2 flats flowers	Late Spring
	12 mums	September
North Side Train Station Message board	4 flats of flowers	Late Spring
	6 mums	September
Welcome to Fanwood Sign (LaGrande & South)	1 flat flowers	Late Spring
	2 mums	September

Contractor shall be responsible for removal and disposal of old plantings as needed.

\* Borough Hall Entrance - Additional 20 'Mums' to be added in September

\*\* Drip line refers to the width of the tree canopy



**Alternate:**

Contractor shall provide and install the following plantings within 31 planters in the business district fronting on both sides of South Martine and South Avenue Downtown block and along the pedestrian pathway adjacent to the municipal lot as directed by the Borough:

Timeframe	Task
April/early May	<ul style="list-style-type: none"><li>• Clear of winter Debris</li><li>• Plant four 4" assorted color Vinca</li><li>• 2" of mulch</li><li>• Initial watering with liquid organic fertilizer</li></ul>
September	<ul style="list-style-type: none"><li>• Clear of spring plantings</li><li>• Plant 3 6" assorted color mums</li><li>• 2" mulch</li><li>• Initial watering with liquid organic fertilizer</li></ul>
Late November	<ul style="list-style-type: none"><li>• Clear of fall plants</li><li>• Install decorative white branches (provided by Borough)</li><li>• Install pine garland (provided by Borough)</li><li>• Attach red bows (provided by Borough)</li></ul>

**Special Conditions:**

Contractor must present a valid New Jersey Business Registration Certificate

Contractor must present insurance certificate with the Borough of Fanwood as additional insured for liability, workers compensation and auto liability.

---

**Go to Next Sheet for Quote Sheet**

3  


**QUOTE SHEET**  
**2021 Municipal Landscaping Maintenance**

Base Quote:

\$ 12,275.00  
(written in numbers)

Twelve Thousand Two Hundred Seventy Five Dollars  
(written in words)

Base Quote with Alternate:

\$ 16,245.00  
(written in numbers)

Sixteen Thousand Two Hundred Forty Five Dollars  
(written in words)

Submitted by:

Company Name: D. Germindel Landscape Contractor LLC

Address: P.O. Box 381 Fanwood NJ 07023

Contact: Dave Germindel


Phone: 908 623-6971 E-mail: germinder178@comcast.net

This certifies that

D. Germindel Landscape Contractor LLC  
Company Name

will provide the Borough of Fanwood with Landscaping Maintenance in accordance with the above-listed terms.

Print Name: Dave Germindel Date: 4/26/21

Signature: 



STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/  
DIVISION OF REVENUE  
PO BOX 252  
TRENTON, N. J 08646-0252

TAXPAYER NAME:

D. GERMINDER LANDSCAPE CONTRACTOR L.L.C.

ADDRESS:

178 RUSSELL ROAD  
FANWOOD NJ 07023  
EFFECTIVE DATE:

02/01/01

TRADE NAME:

SEQUENCE NUMBER:

1071561

ISSUANCE DATE:

01/21/05

*John S. Tully*  
Director

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

*[Handwritten mark]*

**BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY**

**RESOLUTION: 2021-05-113**

**ADOPTED: May 3, 2021**

**RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT WITH A WIRELESS TELECOMMUNICATIONS CONSULTANT**

**WHEREAS**, the Borough of Fanwood (“the Borough”) has determined that it is in need of a wireless telecommunications consultant to assist with its review of wireless facility proposals and bids that come to the Borough;

**WHEREAS**, the Borough has determined that the bid for this service falls beneath the bid threshold under the New Jersey Public Contracts Law, *N.J.S.A. 40A: 11-1 et seq.* and *N.J.A.C. 5:34* in order to receive this service;

**WHEREAS**, Salient Architects, LLC, 764 Palisade Avenue, #2F, Teaneck, NJ 07666 has submitted a bid to the Borough for these services; and

**WHEREAS**, the governing body wishes to enter into the Agreement with Salient Architects in order to perform leaf hauling and disposal service for the Borough; and

**NOW THEREFORE BE IT RESOLVED**, the governing body hereby authorizes the Borough Administrator to enter into an Agreement with Salient Architects to provide wireless consulting services for a price not to exceed \$2,500.00 in accordance with the vendor’s terms contained in its bid proposal; and

**IT IS FURTHER RESOLVED** that this Resolution shall take effect immediately.

This is to certify that the above is a true copy of a resolution adopted by the Borough Council on May 3, 2021.

Kathleen Holmes,  
Borough Clerk

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-05-114

ADOPTED: May 3, 2021

## RESOLUTION APPOINTING A BOROUGH ENGINEER

**WHEREAS**, the Borough of Fanwood requires an individual to carry out the day to day engineering functions of the municipality; and

**WHEREAS**, Ordinance 13-03-R created the office of Borough Engineer within Chapter 67 of the Borough Code; and

**WHEREAS**, the Borough Engineer shall be appointed by the Mayor, with the consent of the Council, for a three-year term; and

**WHEREAS**, the Borough has identified an individual to serve in this important role of Engineer; and

**WHEREAS**, Antonios Panagopoulos, PE, CME, CPWM, NICET III is a professional engineer of the State of New Jersey and possesses all of the qualifications for the position of City Engineer; and

**WHEREAS**, Mayor Colleen Mahr submits to Council her appointment of Antonios Panagopoulos as Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood, in the County of Union and State of New Jersey that the appointment of Antonios Panagopoulos be and is hereby confirmed.

**BE IT FURTHER RESOLVED** that the appointment is to a three-year term at a salary of \$142,500.00 in accordance with law and said appointment being effective June 1, 2021.

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

RESOLUTION: 2021-05-115

ADOPTED:

## RESOLUTION IMPLEMENTING INCREASES AS PER THE COLLECTIVE BARGAINING AGREEMENT WITH FOR THE FANWOOD POLICE DEPARTMENT

**WHEREAS**, the Mayor and Council wishes to implement the step increases for eligible members of the Fanwood Police Department previously negotiated and part of the collective bargaining agreement with the Fanwood PBA for the year 2021.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood, in the County of Union and State of New Jersey that the following eligible individuals' compensation shall be adjusted to reflect the indicated amount on the effective date specified:

<u>Name</u>	<u>Date of Hire</u>	<u>Initial Step</u>	<u>Date of Promotion</u>	<u>Promotional Class</u>
Off. Tyler Flowers	9/2/2019	Prob A	3/2/2021	Ptl F
Off. Robert Jastrzebski	9/8/2020	Prob A	3/7/2021	Ptl G
Off. Kimara Ransom	9/8/2020	Prob B	3/7/2021	Prob A
Off. Carlos Gonzalez	11/17/2020	Prob A	5/16/2021	Ptl G

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the payroll clerk so that each individual referenced herein may have their compensation adjusted accordingly.