

AGENDA
Hightstown Borough Council
November 20, 2023 | 6:30 p.m.
Hightstown Engine Company No. 1
140 North Main Street, Hightstown

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Mayor Susan Bluth

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted on the Hightstown Borough website.

Roll Call

Flag Salute

Approval of Agenda

Engineering Items

Public Comment Any person wishing to address Council with his or her comments will have a maximum of three minutes to do so at this time.

Ordinances

2023-17 Public Hearing and Final Reading An Ordinance Further Amending and Supplementing Chapter 25, entitled “Stormwater Control,” of “The Revised General Ordinances of the Borough of Hightstown”

2023-18 First Reading and Introduction An Ordinance to Repeal Article 2-31, Entitled “Board of Recreation Commissioners,” of Part 1 “Administrative Code,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown”

Resolutions

2023-207 Authorizing Payment of Bills

Consent Agenda

Chemical Contracts

2023-208 Awarding a Contract for Removal, Transportation, Delivery and Disposal of Sludge Cake – Waste Management of New Jersey, Inc.

2023-209 Awarding a Contract for Liquid Chlorine – George S. Coyne Chemical Co., Inc.

2023-210 Awarding a Contract for Fluorosilicic Acid (Fluoride) – George S. Coyne Chemical Co., Inc.

2023-211 Awarding a Contract for Aluminum Sulfate – USALCO, LLC.

2023-212 Awarding a Contract for Calcium Hydroxide (Hydrated Lime) – George S. Coyne Chemical Co., Inc.

2023-213 Awarding a Contract for Magnesium Hydroxide – Premier Magnesia, LLC

2023-214 Awarding a Contract for Sodium Bicarbonate – Park Pumps and Controls

2023-215 Awarding a Contract for Calcium Hypochlorite – George S. Coyne Chemical, Co., Inc.

Consent Agenda

2023-216 Proclaiming December 4, 2023, as Communities of Light Day

2023-217 A Resolution Supporting the Hightstown Holiday Sing-a-Long 2023 Sponsored by the Hightstown Borough Cultural Arts Commission

Discussion

Cannabis Opt-in Ordinance

Pay to Play Ordinance

Lead Paint Ordinance

Subcommittee Reports

Mayor/Council/Administrative Updates

Adjournment



Borough of Hightstown

156 Bank Street, Hightstown, NJ 08520

(609) 490-5100 Ext 617

Website: www.hightstownborough.com

Email: Planning@HightstownBorough.com

TO: Peggy Riggio, Borough Clerk
FROM: Jane Davis, Planning Board Secretary
SUBJECT: Ordinance 2023-17 – Stormwater Control
DATE: November 15, 2023

At the November 13, 2023, Planning Board meeting, Ordinance 2023-17 was reviewed and discussed.
The Board had no comments to refer back to Council.

Ordinance 2023-17

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING CHAPTER 25,
ENTITLED “STORMWATER CONTROL,” OF
“THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”**

WHEREAS, the Borough of Hightstown (the “Borough”) previously established Chapter 25, entitled “Stormwater Control,” of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

WHEREAS, the New Jersey Department of Environmental Protection (the “DEP”) adopted new stormwater regulations on July 17, 2023 (the “regulations”); and

WHEREAS, the regulations affect the Borough in that they are the new requirements for stormwater in the State of New Jersey (the “State”); and

WHEREAS, on September 25, 2023, the Mayor and Council of the Borough adopted Ordinance 2023-16 in order to revise Section 25 of the Borough Code, so as to comply with the new regulations; and

WHEREAS, since that time, the Mayor and Council have determined that certain limited additional revisions are needed, as set forth in the within Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown in the County of Mercer and State of New Jersey, as follows:

1. That Chapter 25, entitled “Stormwater Control,” of the Borough Code is hereby further amended and supplemented in the following respects (additions shown with underline were approved via Ordinance 2023-16; deletions shown with ~~striketrough~~ were also approved via Ordinance 2023-16; additions and/or deletions shown with underline or ~~striketrough~~ and also with **highlight** are proposed via the within Ordinance):

Chapter 25. Stormwater Control

Article 25-1. General Provisions

§ 25-1-1. Scope and Purpose.

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining

natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

- B. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls for "major development," as defined below in § 25-1-2, and also to establish maintenance and repair requirements for existing Stormwater Management BMP's, as also defined below in § 25-1-2.

C. Applicability.

- (1) This chapter shall be applicable to the following major developments:

(a) Non-residential major developments; and

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

- (2) This chapter shall also be applicable to all major developments undertaken by the Borough of Hightstown.

- (3) ~~This chapter shall also apply to any Borough issued Zoning Permits which are not covered under items 1 and 2 above. The Zoning Officer shall provide a copy of all applications for Zoning Permits issued in accordance with this section to the Borough's Environmental Commission for review and recommendation.~~ This chapter shall also be applicable to all existing Stormwater Management BMP's

- (4) An application required by ordinance pursuant to C(1) above that has been submitted prior to **September 5, 2023**, shall be subject to the stormwater management requirements in effect on **September 4, 2023**.

- (5) An application required by ordinance for approval pursuant to C(1) above that has been submitted on or after March 2, 2021, but prior to ~~{adoption date of this ordinance}~~ **September 5, 2023**, shall be subject to the stormwater management requirements in effect on ~~{1 day prior to the adoption date of this ordinance}~~ **September 4, 2023**.

- (6) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023 shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

(7) Any application required pursuant to Sections A and B above, which has not received preliminary approval prior to the effective date of this chapter shall be subject to the provisions of this chapter.

D. Compatibility with Other Permit and Ordinance Requirements.

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

§ 25-1-2. Definitions.

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

CAFRA CENTERS, CORES OR NODES

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

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

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

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

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

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

DEPARTMENT

The Department of Environmental Protection.

DESIGN ENGINEER

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

DESIGNATED CENTER

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

DEVELOPMENT

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

DISTURBANCE

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

DRAINAGE AREA

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

EMPOWERMENT NEIGHBORHOODS

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

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

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

EROSION

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

GREEN INFRASTRUCTURE

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

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

A. 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 1/4 acre or more of "regulated impervious surface" since February 2, 2004;
- (3) The creation of 1/4 acre or more of "regulated motor vehicle surface" since March 2, 2021 ~~(or the effective date of this chapter, whichever is earlier)~~; or
- (4) A combination of Subsections A(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.

B. 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 Subsections A(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."

~~NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.~~

~~"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.~~

~~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 result in the disturbance of one or more acres of land since February 2, 2004. 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."~~

~~Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.~~

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

The Borough of Hightstown.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 25-1-4F of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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

NUTRIENT

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

PERSON

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

POLLUTANT

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

PUBLIC ROADWAY OR RAILROAD

A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

PUBLIC TRANSPORTATION ENTITY

A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

- A. A net increase of impervious surface;
- B. 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);
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

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

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

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

SEDIMENT

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

SITE

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

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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

STATE PLAN POLICY MAP

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

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT MEASURE

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

STORMWATER MANAGEMENT PLANNING AGENCY

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

STORMWATER MANAGEMENT PLANNING AREA

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

STORMWATER RUNOFF

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

~~TIDAL FLOOD HAZARD AREA~~

~~A flood hazard area in which the flood elevation resulting from the two-, ten-, 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

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

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS or WETLAND

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

§ 25-1-3. Design and Performance Standards for Stormwater Management Measures.

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

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

§ 25-1-4. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 25-1-10.

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergii* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § **25-1-4P**, 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 § **25-1-4O**, 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 § **25-1-4O**, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of § **25-1-4O**, 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 § **25-1-4D(3)** above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § **25-1-4O**, P, Q and R that were not achievable on site.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § **25-1-4O**, 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://dep.nj.gov/stormwater/bmp-manual/>.

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

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

(Notes corresponding to annotations (a) through (g) are found below Table 3)

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

(Notes corresponding to annotations (b) through (d) are found below Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	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 § 25-1-40(2);

(b) Designed to infiltrate into the subsoil;

(c) Designed with underdrains;

- (d) Designed to maintain at least a ten-foot-wide area of native vegetation along at least 50% 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 2%;
 - (f) Designed with a slope of equal to or greater than 2%;
 - (g) Manufactured treatment devices that meet the definition of green infrastructure at § **25-1-2**;
 - (h) Manufactured treatment devices that do not meet the definition of green infrastructure at § **25-1-2**.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § **25-1-6B**. Alternative stormwater management measures may be used to satisfy the requirements at § **25-1-40** only if the measures meet the definition of green infrastructure at § **25-1-2**. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection **O(2)** are subject to the contributory drainage area limitation specified at Subsection **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 Subsection **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 § **25-1-4D** is granted from Subsection **O(2)**.
- 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 § **25-1-8C**;
 - (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 § **25-1-8**; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 1/2 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 § **25-1-2** may be used only under the circumstances described at § **25-1-40(4)**.
- K. Any application for a new agricultural development that meets the definition of major development at § **25-1-2** shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § **25-1-40**, 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 § **25-1-40**, P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge ~~on-site~~ onsite and no adverse

environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the [Office of the Mercer County's Office of the County](#) Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **25-1-40**, 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 ~~f~~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 § **25-1-10B(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 § **25-1-4** of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the [Office of the Mercer County's Office of the County](#) Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with **M** above.
- 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 § **25-1-4P** and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § **25-1-4F** and/or an alternative stormwater management measure approved in accordance with § **25-1-4G**. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at § **25-1-4R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § **25-1-4G**.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § **25-1-4D** 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 § **25-1-4G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **25-1-4P**, 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 § **25-1-4P**, Q and R, unless the project is granted a waiver from strict compliance in accordance with § **25-1-4D**.

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 § **25-1-5**, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

- (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm, as defined and determined pursuant to § 25-1-5D is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection **P(4)** below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contained Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

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:
 - (a) 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.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure,

or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

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

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

Table 4 - Water Quality Design Storm Distribution					
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (5) If more than one BMP in series is necessary to achieve the required 80% 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,

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

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

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green

infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § **25-1-4P**, Q and R.

- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95% of the anticipated load from the developed site, expressed as an annual average.
- (10) ~~This~~ The 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 § **25-1-5**, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two2-, ten10-, and 100-year storm events, as defined and determined in § 25-1-5C and D, respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected two2-, ten10-, and 100-year storm events, as defined and determined pursuant to § 25-1-5C and D, respectively, and that the increased volume or change in timing of stormwater runoff will not increase flood

damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected ~~two~~²-, ~~ten~~¹⁰-, and 100-year storm events, as defined and determined in § 25-1-5C and D, respectively, are 50, 75 and 80%, 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

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (2)(a)(b) and (c) 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.

§ 25-1-5. Calculation of Stormwater Runoff and Groundwater Recharge.

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

- (1) The design engineer shall calculate runoff using ~~one of~~ the following methods:

~~(a)~~ The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, *Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - *Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: ~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf~~ <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873. ~~;~~ ~~or~~

~~(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil~~

~~Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.~~

- (2) For the purpose of calculating ~~runoff coefficients~~ curve numbers 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~~ curve number" applies to ~~both~~ the NRCS methodology above at § 25-1-5A(1)(a) and the ~~Rational and Modified Rational Methods at § 25-1-5A(1)(b).~~ A ~~runoff coefficient~~ curve number 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~~ has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 - (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 - (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - *Urban Hydrology for Small Watersheds* or other methods may be employed.
 - (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following: the New Jersey Geological Survey Report GSR-32; A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current 2-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:

- (1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and
- (2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

<u>Current Precipitation Adjustment Factors</u>			
<u>County</u>	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected 2-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected 2-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to C(1) above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Adjustment Factors

<u>Future Precipitation Change Factors</u>			
<u>County</u>	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>

§ 25-1-6. Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm <https://dep.nj.gov/stormwater/bmp-manual/>.
- (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://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to: The Division of ~~Water Quality~~ [Watershed Protection and Restoration](#), New Jersey Department of Environmental Protection, Mail Code ~~401-02B~~ [501-02A](#), PO Box 420, Trenton, New Jersey 08625-0420.

§ 25-1-7. Solids and Floatable Materials Control Standards.

- A. Site design features identified under § **25-1-4F** above, or alternative designs in accordance with § **25-1-4G** 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 § **25-1-7A(2)** below.
- (1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
- (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- (b) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.

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

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

(2) The standard in Subsection A(1) above does not apply:

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

[1] A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inch.

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

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(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.

§ 25-1-8. Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent ~~municipal or~~ county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing

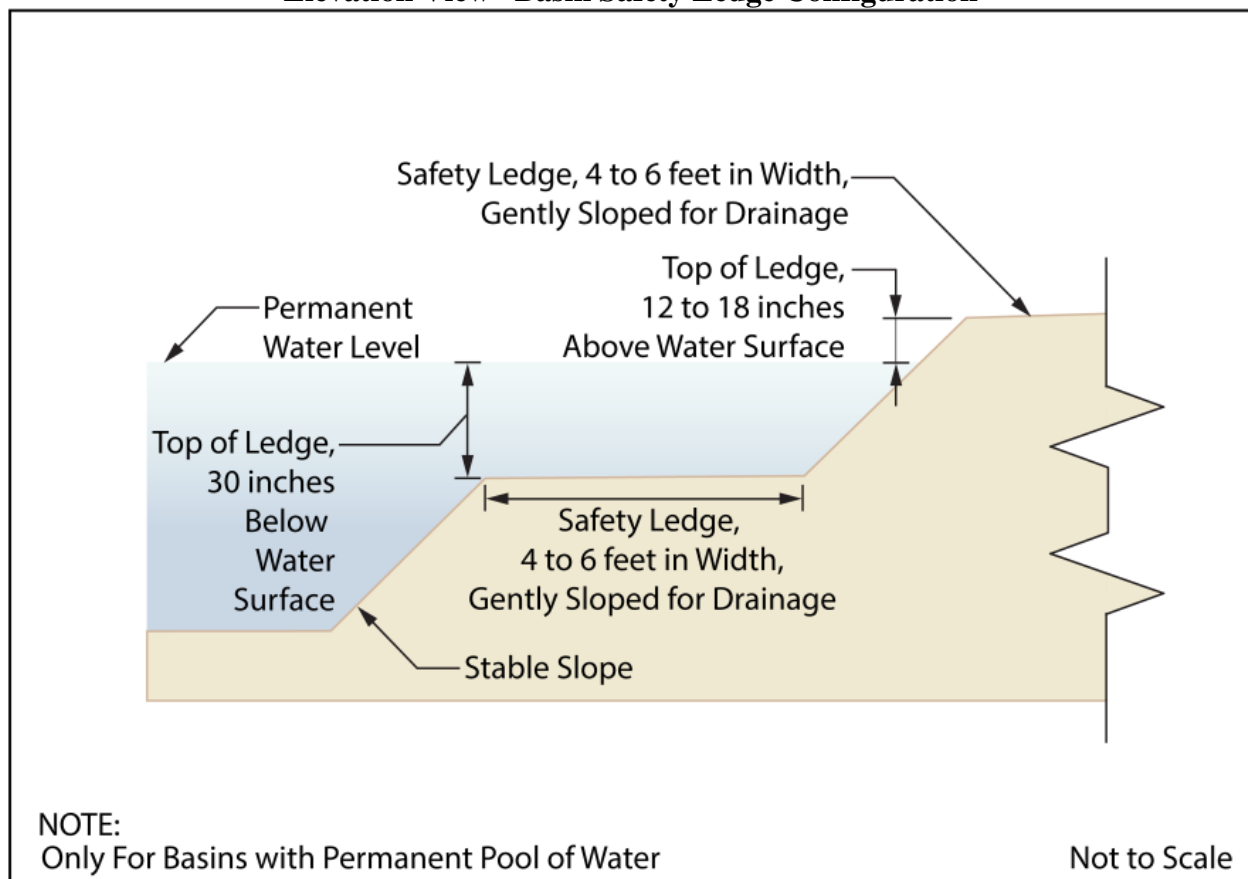
stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 25-1-8C(1), (2) and (3) for trash racks, overflow grates, and escape provisions at outlet structures.

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

- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no ~~less~~ greater than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
 - (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 25-1-8C, a free-standing outlet structure may be exempted from this requirement;

- (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located ~~one~~ 1 to 1 1/2 feet above the permanent water surface. See § 25-1-8E for an illustration of safety ledges in a stormwater management BMP; and
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- E. Safety Ledge Illustration.

Elevation View –Basin Safety Ledge Configuration



§ 25-1-9. Requirements for a Site Development Stormwater Plan.

- A. Submission of Site Development Stormwater Plan.

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection C below as part of the submission of the application for approval.
 - (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
 - (3) The applicant shall submit ~~46~~ one (1) electronic and two (2) paper copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C of this section.
- B. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the ~~municipal board or official~~ Planning Board Engineer from which municipal approval is sought. ~~That municipal board or official~~ The Planning Board shall consult the ~~municipality's review~~ Planning Board eEngineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.
- C. Submission of Site Development Stormwater Plan. The following information shall be required:
- (1) Topographic Base Map. The ~~reviewing~~ Planning Board eEngineer 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 one inch (1") equals 200 feet (200') or greater, showing two-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 man-made 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 §§ **25-1-3** through **25-1-5** are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) 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.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § **25-1-4** of this chapter.
 - (b) 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 on-site 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 § **25-1-10**.
- (8) Waiver from Submission Requirements. The ~~municipal official or board reviewing an application under this chapter~~ Planning Board may, in consultation with the ~~municipality's review engineer~~ Planning Board Engineer, waive submission of any of the requirements in § **25-1-9C(1)** through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 25-1-10. Maintenance and Repair.

- A. Applicability. Projects subject to review as in § **25-1-1C** of this chapter shall comply with the requirements of ~~Subsections B and C~~ § 25-1-10B and C.

B. General Maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. For existing Stormwater Management BMP's, a professional engineer shall prepare an operation and maintenance plan for the stormwater management measures incorporated into the existing stormwater management facilities.
- (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 Subsection **B(3)** above is not a public agency, the maintenance plan and any future revisions based on Subsection **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 Subsection **B(3)** above shall perform all of the following requirements:

- (a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - (b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; **and**
 - (c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections **B(6)** and **(7)** above. **;**
 - (d) Obtain a stormwater maintenance permit from the Borough Engineer by June 30th of each year; and**
 - (e) On an annual basis submit to the Borough Engineer a maintenance and inspection report and certification on a form approved by the Borough Engineer with all required maintenance logs.**
- (8) ~~The requirements of Subsections **B(3)** and **(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.*~~

[A 2 \(two\) year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 is required for all stormwater management facilities incorporated into a major development.](#)

- (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 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. The person responsible for maintenance identified under § 25-1-10B above shall submit an annual inspection report prepared by a professional engineer licensed in New Jersey or a New Jersey certified stormwater inspector to the Borough Engineer by June 30th of each year. The inspection report and log shall include and not be limited to:**

- (a) Detention basin outflow structures, escape provisions as outlined in N.J.A.C. 7:8-6.2 and all components;
- (b) Vegetation;
- (c) Trash racks and overflow grates;
- (d) Embankment erosion; and
- (e) Sediment removal and pond maintenance.

~~(10) The owner of a private stormwater facility is required to inspect the facility after each major storm event and perform any maintenance and/or repairs that may be required, in addition to routine mowing and removal and disposal of accumulated debris from the facility. The owner shall file a report with the Borough annually which provides its inspection dates (which shall be performed quarterly) and any action(s) taken to rectify any condition(s) found. The Borough shall inspect the facility once per year at the cost of \$100 to the property owner. The Borough shall also maintain a log and map to demonstrate compliance with maintenance requirements and shall document any actions taken by the Borough to enforce compliance. If inspection reveals that maintenance has not been maintained by the owner of the stormwater facility, then the Borough Official will issue an order to correct the deficiency within 30 days. If the deficiency is not corrected within 30 days, the Borough will correct the deficiency and recover the cost under the Property Maintenance Section of the Borough Code (Article 14-12). The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause as approved by the Borough Engineer or his/her designee.~~

(10) Copies of checklist requirements for various Stormwater Management BMP's shall be available from the Borough Clerk.

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

~~§ 25-1-11. Requirements Regarding Dumpsters and Other Refuse Containers.~~

- ~~A. Purpose. This section requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or other discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Hightstown and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.~~
- ~~B. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this 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.~~

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

~~A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Hightstown Borough or other public body, and is designed and used for collecting and conveying stormwater.~~

~~PERSON~~

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

~~REFUSE CONTAINER~~

~~Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.~~

~~STORMWATER~~

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

~~WATERS OF THE STATE~~

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

~~C. Applicability.~~

- ~~(1) Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.~~
- ~~(2) Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hightstown.~~

~~D. Exceptions.~~

- ~~(1) Permitted temporary demolition containers.~~
- ~~(2) Litter receptacles (other than dumpsters or other bulk containers).~~
- ~~(3) Individual homeowner trash and recycling containers.~~

~~(4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.~~

~~(5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).~~

~~E. Enforcement and penalties.~~

~~(1) This section shall be enforced by the Stormwater Management Coordinator and/or Superintendent of the Department of Public Works and/or their designee of the Borough of Hightstown.~~

~~(2) Any person who is found to be in violation of this section shall be subject to penalties as stated in Chapter 1, Article 1-5 of the Revised General Ordinances of the Borough of Hightstown.~~

~~[1] Editor's Note: This ordinance also redesignated former §§ 25-1-11 and 25-1-12 as §§ 25-1-12 and 25-1-13.~~

§ 25-1-1211. Enforcement and Penalties.

A. This Section shall be enforced by the Code Enforcement Officer and/or their designee.

B. Any person(s) who erects, constructs, alters, repairs, converts, maintains, fails to maintain or uses any building, structure or land in violation of this chapter, or who otherwise has not complied in any respect with the requirements of this chapter, shall be subject to the following penalties for each offense: Any and all penalties as set forth in Chapter 1, Article 1-5, of the Revised General Ordinances of the Borough of Hightstown.

C. Each act or violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.

D. In addition to the penalties prescribed by § 25-1-11B and C above, 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 Borough engineer or his or her designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof, along with any professional fees or other costs incurred by the municipality associated with maintenance and repair activities, to the responsible person. Nonpayment of such bill(s) may result in the imposition of a lien against the property.

§ 25-1-~~13~~12. Severability.

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

2. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: November 4, 2023

Adopted:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

Ordinance 2023-18

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE TO REPEAL ARTICLE 2-31, ENTITLED
“BOARD OF RECREATION COMMISSIONERS,” OF PART 1
“ADMINISTRATIVE CODE,” OF CHAPTER 2, “ADMINISTRATION,” OF
“THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”**

WHEREAS, pursuant to Ordinance No. 1998-18, the Borough of Hightstown (the “Borough”) established Article 2-31, entitled “Board of Recreation Commissioners,” of Part 1, “Administrative Code,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

WHEREAS, Article 2-31 of the Borough Code created a Board of Recreation Commissioners, in accordance with N.J.S.A. 40:12-1, *et seq.*; and

WHEREAS, the Borough’s Board of Recreation Commissioners, also known as the “Parks and Recreation Commission,” was vested with all of the powers and duties as set forth in N.J.S.A. 40:12-1, *et seq.*; and

WHEREAS, the Mayor and Council of the Borough have determined that it would be most advantageous, and in the best interests of the Borough, to dissolve the Board of Recreation Commissioners, a/k/a the Parks and Recreation Commission, and to bring all of the responsibilities for the Borough’s parks and recreation programs under the control and supervision of one body – namely, the Borough itself -- rather than a separate entity; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Mayor and Council of the Borough deem it to be in the best interests of the Borough to repeal Article 2-31, “Board of Recreation Commissioners,” of the Borough Code in its entirety.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown in the County of Mercer and State of New Jersey, as follows:

1. That Article 2-31, entitled “Board of Recreation Commissioners,” of Part 1 “Administrative Code,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown,” is hereby repealed in its entirety, and shall be of no further force and effect.

2. That, as of the effective date of the within Ordinance, the Board of Recreation Commissioners, a/k/a the Parks and Recreation Commission, shall hereby be dissolved, and all of the responsibilities for the Borough's parks and recreation programs shall hereafter be vested in the Borough.

3. That all other provisions of Chapter 2 of the Borough Code which are not referenced in Section 1 of this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

4. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

5. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

Resolution 2023-207

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$131,461.69 from the following accounts:

Current		\$101,966.87	
W/S Operating		15,325.16	
General Capital		9,995.09	
Water/Sewer Capital		0.00	
Grant		0.00	
Trust		2,758.05	
Unemployment Trust		0.00	
Animal Control		0.00	
Law Enforcement Trust		0.00	
Tax Lien Trust		1,416.52	
Housing Trust		0.00	
Public Defender Trust		0.00	
Escrow		<u>0.00</u>	
Total		<u>\$131,461.69</u>	

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Re: Manual Bill List for 11/20/23

CURRENT ACCOUNT	DATE ISSUED	PO #	CHECK #	Amount
TOTAL				\$ -
WATER AND SEWER OPERATING				
TOTAL				\$ -
ESCROW				
TOTAL				\$ -
GRANT				
TOTAL				\$ -
TRUST- OTHER				
TOTAL				\$ -
ANIMAL CONTROL TRUST				\$ - \$ - \$ -
TOTAL				\$ -
LAW ENFORCEMENT TRUST				
TOTAL				\$ -
UNEMPLOYMENT TRUST				
TOTAL				\$ -
PUBLIC DEFENDER TRUST				
TOTAL				\$ -
TAX LIEN TRUST PRO CAP 8, LLC	11/3/2023	23-01390	1042	\$ 1,416.52 \$ 1,416.52
GENERAL CAPITAL				
TOTAL				\$ -
WATER AND SEWER CAPITAL				
TOTAL				\$ -
MANUAL TOTAL				\$ 1,416.52

Vendor #	Name											
PO #	PO Date	Description	Contract	PO Type			First	Rcvd	Chk/Void		1099	
Item Description			Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc1	
A0010	ADVANCE AUTO PARTS											
23-01381	10/31/23	PARTS/SUPPLIES FOR VEHICLE										
1 INV	637232984-SYLVANIA	9012,	45.38	3-01-25-256-002-034	B VEHICLE PARTS	R	10/31/23	11/15/23		637232984	N	
Vendor Total:			45.38									
B0076	BERGEY'S TRUCK CENTER											
23-01443	11/14/23	MACK 10A										
1 INV	PM435085R-MACK	10A PARTS	1,193.56	3-01-26-305-001-034	B Motor Vehicle Parts & Access.	R	11/14/23	11/15/23		PM435085R	N	
Vendor Total:			1,193.56									
BUCKM005	BUCK MINING & MATERIAL INC											
23-01450	11/14/23	LEAF AND YARD WASTE DISPOSAL										
1 INV	1166-VEG WASTE DISPOSAL		264.00	3-01-26-311-001-168	B Yardwaste	R	11/14/23	11/15/23		1166	N	
2 INV	1166-LEAF DISPOSAL		448.00	3-01-26-311-001-166	B LEAF DISPOSAL	R	11/14/23	11/15/23		1166	N	
			712.00									
Vendor Total:			712.00									
CAMPB005	CAMPBELL SUPPLY CO., LLC											
23-01375	10/31/23	EMS ELECTRICAL ISSUE REPAIR										
1 EMS	ELECTRICAL ISSUE REPAIR		238.50	3-01-25-260-001-034	B Vehicle Repair	R	10/31/23	11/15/23		R112005866:01	N	
2 TRAVEL,	MILEAGE, AND TOLLS		240.00	3-01-25-260-001-034	B Vehicle Repair	R	10/31/23	11/15/23		R112005866:01	N	
3 SUPPLIES			43.06	3-01-25-260-001-034	B Vehicle Repair	R	10/31/23	11/15/23		R112005866:01	N	
4 DIAGNOSTIC			15.00	3-01-25-260-001-034	B Vehicle Repair	R	10/31/23	11/15/23		R112005866:01	N	
			536.56									
Vendor Total:			536.56									

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge	Account	Acct	Type	Description	Enc	Date	Date	Invoice	Exc
COREM005 CORE & MAIN LP												
23-01272	10/06/23 RUBBER GASKETS											
1 INV	T634792-3/4 RUBBER GASKET	40.00		3-09-55-501-001-524	B	Meter & Meter Parts	R	10/06/23	11/15/23		T634792	N
Vendor Total:		40.00										
CRYST005 CRYSTAL SPRINGS												
23-01339	10/25/23 DISTILLED WATER (12)											
1 CRYSTAL SPRINGS	5G DISTILLED	125.88		3-09-55-501-002-506	B	Lab. Equipment & Supplies	R	10/25/23	11/15/23		23244637	101323 N
2 DELIVERY FEE		13.99		3-09-55-501-002-506	B	Lab. Equipment & Supplies	R	10/25/23	11/15/23		23244637	101323 N
		139.87										
Vendor Total:		139.87										
C0087 CUSTOM BANDAG, INC												
23-01251	10/04/23 FIRST AID-TIRE REPLACEMENT											
1 FIRST AID-TIRE REPLACEMENT		161.98		3-01-25-260-001-034	B	Vehicle Repair	R	10/04/23	11/15/23		80227024	N
Vendor Total:		161.98										
C0088 CUSTOM ENVIRONMENTAL TECH, INC												
23-00013	01/19/23 RES 2022-206 ZETA LYTE 2800CH				B							
6 INV	8542 10/24/23ZETALYTE2800CH	8,751.60		3-09-55-501-002-544	B	Zeta Lyte 2800CH-Custom Envir.Tech, Inc.	R	06/12/23	11/15/23		8542	N
Vendor Total:		8,751.60										
DANIE010 DANIEL ABBATEMARCO												
23-01383	10/31/23 ABBATEMARCO REIMBURSEMENT											
1 ABBATEMARCO REIMBURSEMENT		838.02		3-01-25-240-001-043	B	Uniform Allowance/Leather Gds.	R	10/31/23	11/15/23		10/25/2023	N
Vendor Total:		838.02										
DANIE015 DANIELLE KORTE												
23-01397	11/03/23 DIRECTOR SUMMER 2023 PMT 2/2											
1 DIRECTOR SUMMER 2023 PMT 2/2		600.00		T-12-56-286-000-885	B	CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23		2023 2 OF 2	N
Vendor Total:		600.00										

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099
		Item		Description	Amount	Charge Account		Enc Date	Date	Date	Exc
DRPUT005	DR PUTHENMADAM RADHAKRISHNAN										
23-00475	04/13/23	PROF SVCS HEALTH CLINIC	2023			B					
11	PROF SVCS HEALTH CLINIC	11/6/23	357.18	3-01-27-330-001-031	B Contract-Professional Serv.(B)	R	09/15/23	11/15/23		11/6/2023	N
Vendor Total:			357.18								
B0966	ERB'S GARAGE INC										
23-01435	11/14/23	REPAIR TO VOLVO									
1	INV 17546-REPAIR TO VOLVO		1,329.12	3-01-26-305-001-034	B Motor Vehicle Parts & Access.	R	11/14/23	11/15/23		17546	N
Vendor Total:			1,329.12								
GMDIL005	G & M DILL & SONS TRUCKING AND										
23-01427	11/14/23	2X2X6 BLOCKS AND DELIVERY									
1	2X2X6 BLOCKS		1,120.00	3-01-26-311-001-034	B Equipment Parts & Accessories	R	11/14/23	11/15/23			N
2	DELIVERY FEE		800.00	3-01-26-311-001-034	B Equipment Parts & Accessories	R	11/14/23	11/15/23			N
			1,920.00								
Vendor Total:			1,920.00								
G1077	GEORGE S. COYNE CO., INC.										
23-00148	02/08/23	RES 2022-207 HYDROFLUOSILIC				B					
10	INV418473 HYDROFLUOSILIC ACID		870.95	3-09-55-501-001-528	B Fluorosilic Acid-	R	11/07/23	11/15/23		418473	N
23-00149	02/08/23	RES 2022-204 CHLORINE				B					
8	INV 418474 10/31/23 CHLORINE		1,792.86	3-09-55-501-001-526	B Chlorine	R	09/19/23	11/15/23		418474	N
Vendor Total:			2,663.81								
G0050	GROVE SUPPLY INC										
23-01349	10/25/23	FILL VALVE/BACKFLOW PREVENTER									
1	FILL VALVE/BACKFLOW PREVENTER		195.20	3-09-55-501-001-503	B Water Plant Maintenance	R	10/25/23	11/15/23		55921510.001	N
Vendor Total:			195.20								

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge Account	Acct Type Description				Enc Date	Date	Date	Invoice	Excl
H0048	HIGHTS REALTY LLC											
23-01391	11/03/23	NOVEMBER 2023	HPD RENT									
1	NOVEMBER 2023	HPD RENT	4,953.03	3-01-26-310-001-025	B Building Rental	R	11/03/23	11/15/23			NOVEMBER 2023	N
Vendor Total:		4,953.03										
HILLW005	HILL-WALLACK, LLP											
23-01420	11/08/23	LEGAL INVOICES	OCTOBER 2023									
1	OPRA MATTERS	49.50	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737566	N
2	ORDINANCES	627.00	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737565	N
3	HIGHTSTOWN ADV. PRESBYTERIAN	150.50	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737564	N
4	HIGHTSTOWN-AFFORDABLE HOUSING	66.00	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737563	N
5	HIGHTSTOWN HOUSING AUTHORITY	280.50	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737562	N
6	SHARED SERVICES AGREEMENT	363.00	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737561	N
7	BOROUGH OF HIGHTSTOWN/CANNABIS	66.00	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737560	N
8	HIGHTSTOWN BOROUGH ADV.	51.00	3-01-20-150-001-196	B Tax Appeals	R	11/08/23	11/15/23				737559	N
9	SALE OF A PORTION OF BLOCK 7,	115.50	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737558	N
10	GENERAL MATTERS	3,432.50	3-01-20-155-001-027	B General Matters	R	11/08/23	11/15/23				737568	N
11	ENGINEERING MATTERS	33.00	3-01-20-165-001-028	B General Engineering	R	11/08/23	11/15/23				737567	N
		5,234.50										
Vendor Total:		5,234.50										
J0010	JAMMER DOORS											
23-01442	11/14/23	PARTS AND LABOR										
1	INV 44102-PARTS AND LABOR	415.50	3-01-26-310-001-024	B Building Maintenance	R	11/14/23	11/15/23				44102	N
Vendor Total:		415.50										
J0035	JANINE M. KRUPA											
23-01452	11/14/23	HEALTH REIMBURSEMENT	NOV 2023									
1	HEALTH REIMBURSEMENT NOV 2023	3,540.64	3-01-23-210-003-115	B Medical Ins-Emp	R	11/14/23	11/15/23				NOVEMBER 2023	N
2	LESS J. KRUPA'S CONTRIBUTION	1,175.82	3-01-23-210-003-115	B Medical Ins-Emp	R	11/14/23	11/15/23				NOVEMBER 2023	N
		2,364.82										
Vendor Total:		2,364.82										

Vendor #	Name												
PO #	PO Date	Description	Contract	PO Type				First	Rcvd	Chk/Void		1099	
Item	Description		Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Exc	
J0069	JERSEY ELEVATOR LLC												
23-01403	11/03/23	OCTOBER 2023 MAINTENANCE											
1 INV	431492-OCTOBER 2023		198.01	3-01-26-310-001-029	B	Maintenance Contracts	R	11/03/23	11/15/23		431492	N	
Vendor Total:			198.01										
J0378	KENNCO LLC												
23-01400	11/03/23	OCTOBER 2023 CYLINDER RENTAL											
1 INV	R222506-OCTOBER 2023		36.60	3-01-26-290-001-050	B	DPW Work Equipment	R	11/03/23	11/15/23		R22506	N	
Vendor Total:			36.60										
K0917	KENNETH LARSEN												
23-01407	11/03/23	LARSEN REIMBURSEMENT											
1	LARSEN REIMBURSEMENT		106.79	3-01-25-240-001-043	B	Uniform Allowance/Leather Gds.	R	11/03/23	11/15/23		10/24/23	N	
Vendor Total:			106.79										
KUBIA005	KUBIAK ELECTRIC CO., INC.												
23-01406	11/03/23	INV #23-64											
1 MATERIAL-	100-C09D10 AB 3 POLE		254.78	3-09-55-501-002-503	B	Sewer Plant Maintenance	R	11/03/23	11/15/23		23-64	N	
2 FREIGHT			18.10	3-09-55-501-002-503	B	Sewer Plant Maintenance	R	11/03/23	11/15/23			N	
3 LABOR-	ELECTRICAL REPAIRS OF		120.00	3-09-55-501-002-503	B	Sewer Plant Maintenance	R	11/03/23	11/15/23		23-64	N	
4 LABOR-	ELECTRICAL REPAIRS OF		1,377.50	3-09-55-501-002-503	B	Sewer Plant Maintenance	R	11/03/23	11/15/23		23-64	N	
			1,770.38										
Vendor Total:			1,770.38										
L0027	LINCOLN FINANCIAL												
23-01451	11/14/23	LOSAP 2022 RES 2023-163											
1	LOSAP 2022 RES 2023-163		14,300.00	3-01-43-500-001-399	B	Miscellaneous-O/E LOSAP	R	11/14/23	11/15/23		CR32718 2022	N	
Vendor Total:			14,300.00										

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
LINDS005	LINDSEY STEFAN													
23-01398	11/03/23	EXEC DIRECTOR SUMMER 2023 2/2												
1	EXEC DIRECTOR SUMMER 2023 2/2	1,000.00	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23	2023 2 OF 2	N					
Vendor Total:		1,000.00												
M0256	MERCER CO IMPROVEMENT AUTH													
23-01149	09/13/23	AUGUST 2023 TIPPING												
1	AUGUST 2023 TIPPING	17,016.21	3-01-32-465-001-165	B Landfill Solid Waste Disposal-MCIA	R	09/13/23	11/15/23	AUGUST 2023	N					
2	AUGUST 2023 RECYCLING TAX	477.18	3-01-43-496-001-174	B Recycling Tax	R	09/13/23	11/15/23	AUGUST 2023	N					
		17,493.39												
23-01425	11/14/23	OCTOBER 2023 TIPPING												
1	OCTOBER 2023 TIPPING	15,841.39	3-01-32-465-001-165	B Landfill Solid Waste Disposal-MCIA	R	11/14/23	11/15/23	OCTOBER 2023	N					
2	OCTOBER 2023 RECYCLING TAX	444.15	3-01-43-496-001-174	B Recycling Tax	R	11/14/23	11/15/23	OCTOBER 2023	N					
		16,285.54												
Vendor Total:		33,778.93												
M0053	MUNICIPAL EMERGENCY SERVICES													
23-01148	09/13/23	SNAP CHANGE CYLINDER 2023-12												
1	SNAP CHANGE CYLINDER 2023-12	9,995.09	C-04-55-900-005-444	B FIRE EQUIP 6 RADIO,8 AED SCBA TURN OUT	R	09/13/23	11/15/23	IN1961101	N					
Vendor Total:		9,995.09												
N0275	NJ LEAGUE OF MUNICIPALITIES													
23-01389	11/01/23	EMPLOYMENT POSTING												
1	EMPLOYMENT POSTING 11/1-11/30	160.00	3-01-20-120-001-021	B Advertisements	R	11/01/23	11/15/23	SD19805	N					
2	EMPLOYMENT POSTING 11/1-11/30	115.00	3-01-20-120-001-021	B Advertisements	R	11/01/23	11/15/23	SD19805	N					
		275.00												
Vendor Total:		275.00												
N0652	NJ STATE POLICE CHIEF ASSN													
23-01377	10/31/23	ACCREDITATION PROG FEE												
1	ACCREDITATION PROG FEE	4,000.00	3-01-25-240-001-199	B Miscellaneous	R	10/31/23	11/15/23	IN-16548	N					

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
N0652	NJ STATE POLICE CHIEF ASSN				Continued								
	23-01415	11/03/23		TRAINING - GENDRON									
	1			TRAINING - GENDRON	350.00	3-01-25-240-001-042	B Education & Training	R	11/03/23	11/15/23		IN-16748	N
				Vendor Total:	4,350.00								
00019	O'BRIEN CONSULTING SERVICES												
	23-01408	11/03/23		MONTHLY IT SERVICES - OCT. 23									
	1			MONTHLY IT SERVICES - OCT. 23	900.00	3-01-25-240-001-029	B Maint. Contracts - Other	R	11/03/23	11/15/23		23-6462	N
	2			MONTHLY IT SERVICES - OCT. 23	280.00	3-01-25-240-001-029	B Maint. Contracts - Other	R	11/03/23	11/15/23		23-6462	N
	3			MONTHLY IT SERVICES - OCT. 23	8.50	3-01-25-240-001-029	B Maint. Contracts - Other	R	11/03/23	11/15/23		23-6462	N
					1,188.50								
				Vendor Total:	1,188.50								
00050	ONE CALL CONCEPT INC												
	23-01402	11/03/23		OCTOBER 2023 ONE CALL MESSAGES									
	1			INV 3105090-OCTOBER 2023	14.30	3-09-55-501-001-535	B Hydrants and Line Repair	R	11/03/23	11/15/23		3105090	N
				Vendor Total:	14.30								
PLAYS005	PLAYSCRIPTS, INC.												
	23-01395	11/03/23		SUMMER 2023 SCRIPTS									
	1			SUMMER 2023 SCRIPTS INV2306873	207.84	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23		2306873	N
	2			SUMMER 2023 SCRIPTS SHIPPING	39.86	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23		2306873	N
	3			SUMMER 2023 SCRIPTS HANDLING	3.75	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23		2306873	N
					251.45								
				Vendor Total:	251.45								
S0925	SIRCHIE ACQUISITION CO LLC												
	23-01198	09/25/23		HPD DETECTIVE SUPPLIES									
	1			HPD DETECTIVE SUPPLIES	43.00	3-01-25-240-001-114	B Detective Bureau	R	09/25/23	11/15/23		0616523-IN	N
	2			HPD DETECTIVE SUPPLIES	16.64	3-01-25-240-001-114	B Detective Bureau	R	09/25/23	11/15/23			N
					59.64								
				Vendor Total:	59.64								

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge	Account	Acct Type	Description	Enc	Date	Date	Date	Invoice	Excl
S1096	STAPLES BUSINESS ADVANTAGE											
23-01360	10/26/23 HPD OFFICE SUPPLIES											
1	HPD OFFICE SUPPLIES	31.43	3-01-25-240-001-036	B Office Supplies & Equipment	R	10/26/23	11/15/23				3550907069	N
2	HPD OFFICE SUPPLIES	13.60	3-01-25-240-001-036	B Office Supplies & Equipment	R	10/26/23	11/15/23				3550907069	N
3	HPD OFFICE SUPPLIES	32.09	3-01-25-240-001-036	B Office Supplies & Equipment	R	10/26/23	11/15/23				3550907068	N
4	HPD OFFICE SUPPLIES	28.59	3-01-25-240-001-036	B Office Supplies & Equipment	R	10/26/23	11/15/23				3551671221	N
		105.71										
	Vendor Total:	105.71										
R0537	STITCHES N INK											
23-01396	11/03/23 PARKWAY PLAYERS SHIRTS 2023											
1	PARKWAY PLAYERS SHIRTS 2023	234.00	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23				20716	N
2	PARKWAY PLAYERS SHIRTS 2023	11.00	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23				20716	N
3	PARKWAY PLAYERS SHIRTS 2023	36.00	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23				20716	N
4	SCREEN PRINTING DIRECTOR	15.60	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	11/03/23	11/15/23				20716	N
		296.60										
	Vendor Total:	296.60										
TOWNS010	TOWNSHIP OF MANALAPAN											
23-01447	11/14/23 ANIMAL CONTROL 4TH QTR 2023											
1	ANIMAL CONTROL 4TH QTR 2023	4,500.00	3-01-43-512-001-161	B Animal Control Services	R	11/14/23	11/15/23				2024-H4	N
	Vendor Total:	4,500.00										
T0060	TOWNSHIP OF ROBBINSVILLE											
23-01444	11/14/23 4TH QTR EMS SHARED SVC 2023											
1	4TH QTR EMS SHARED SVC 2023	10,000.00	3-01-43-514-001-169	B Emerg. Medical Serv.-Robbinsville	R	11/14/23	11/15/23				4TH QTR EMS2023	N
	Vendor Total:	10,000.00										
T0061	TOWNSHIP OF ROBBINSVILLE DPW											
23-01384	10/31/23 HPD VEHICLE MAINTENANCE											
1	HPD VEHICLE MAINTENANCE	277.03	3-01-43-515-001-170	B Mechanic Services	R	10/31/23	11/15/23				5870	N
2	HPD VEHICLE MAINTENANCE	550.35	3-01-43-515-001-170	B Mechanic Services	R	10/31/23	11/15/23				5827	N
3	HPD VEHICLE MAINTENANCE	130.85	3-01-43-515-001-170	B Mechanic Services	R	10/31/23	11/15/23				5875	N

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge	Account	Acct Type	Description	Enc	Date	Date	Date	Invoice	Excl
T0061	TOWNSHIP OF ROBBINSVILLE DPW				Continued							
23-01384	10/31/23	HPD VEHICLE MAINTENANCE		Continued								
4	HPD VEHICLE MAINTENANCE	131.25	3-01-43-515-001-170	B	Mechanic Services	R	10/31/23	11/15/23		5876	N	
		1,089.48										
	Vendor Total:	1,089.48										
T0211	TRAP ROCK INDUSTRIES LLC.											
23-01441	11/14/23	ROCKITE										
1	INV 8155995-ROCKITE	1,186.20	3-01-26-290-001-127	B	Street Repair & Maintenance	R	11/14/23	11/15/23		8155995	N	
	Vendor Total:	1,186.20										
T0110	TURF EQUIPMENT & SUPPLY CO LLC											
23-01433	11/14/23	BALL JOINT AND NUT										
1	INV 70065232-00	72.73	3-01-28-369-001-139	B	Mower Repairs	R	11/14/23	11/15/23		70065232-00	N	
	Vendor Total:	72.73										
R0112	UNITED SITE SERVICES											
23-01127	09/06/23	HARVEST FAIR 10/7/23										
1	ADA RESTROOM	127.50	3-01-30-420-001-195	B	Borough Events	R	09/06/23	11/15/23		0006843901	N	
2	STANDARD RESTROOM	175.00	3-01-30-420-001-195	B	Borough Events	R	09/06/23	11/15/23		0006843901	N	
		302.50										
	Vendor Total:	302.50										
U0007	UNIVAR USA INC											
23-00112	02/01/23	RES 2022-209 LIMEHI-CALC AWWTP		B								
11	INV51537715	10/6/23 LIMEHICALC	1,750.00	3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	08/24/23	11/15/23		51537715	N
	Vendor Total:	1,750.00										
USELE005	US ELECTRICAL SERVICES INC											
23-01434	11/14/23	BALLAST/BATTERY/PLUG/CONNECTOR										
1	INV S124130949.001	414.90	3-01-26-310-001-024	B	Building Maintenance	R	11/14/23	11/15/23		S124130949.001	N	

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge	Account	Acct	Type Description		Enc	Date	Date	Invoice	Excl
USELE005	US ELECTRICAL SERVICES INC	Continued										
23-01434	11/14/23	BALLAST/BATTERY/PLUG/CONNECTOR	Continued									
2 INV S124219563.001		124.19	3-01-26-310-001-024	B Building Maintenance	R	11/14/23	11/15/23			S124219563.001	N	
		539.09										
Vendor Total:		539.09										
V0019	VERIZON											
23-01424	11/09/23	ACCT 01-46 HPD 10/31/2023										
1 ACCT 01-46 HPD 10/31/2023		388.68	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	11/09/23	11/15/23			257132741000146	N	
Vendor Total:		388.68										
W0071	WASTE MGMT OF NEW JERSEY, INC.											
23-00147	02/08/23	DUMPSTER RES2020-136 TO7/31/23	B									
49 IN 3161909-0502-6 11/1/23		1,499.40	3-01-26-305-001-029	B Contract-Dumpsters	R	10/10/23	11/15/23			3161909-0502-6	N	
50 IN 3161909-0502-6 11/1/23		615.32	3-01-26-305-001-029	B Contract-Dumpsters	R	11/07/23	11/15/23			3161909-0502-6	N	
51 IN 3161910-0502-4 11/1/23		289.25	3-01-26-305-001-029	B Contract-Dumpsters	R	11/07/23	11/15/23			3161910-0502-4	N	
52 IN 3161908-0502-8 11/1/23		579.15	3-01-26-305-001-029	B Contract-Dumpsters	R	11/07/23	11/15/23			3161908-0502-8	N	
53 IN 3161908-0502-8 11/1/23		385.74	3-01-26-305-001-029	B Contract-Dumpsters	R	11/07/23	11/15/23			3161908-0502-8	N	
		3,368.86										
Vendor Total:		3,368.86										
W0005	WEB OUTBACK											
23-01334	10/20/23	PORTABLE RESTROOM PARKS & REC										
1 PORTABLE RESTROOM PARKS & REC		305.00	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	10/20/23	11/15/23			85096	N	
2 PORTABLE RESTROOM PARKS & REC		305.00	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	10/20/23	11/15/23			85779	N	
		610.00										
Vendor Total:		610.00										
W0286	WEST WINDSOR TOWNSHIP											
23-01374	10/31/23	2023 HEALTH INTERLOCAL 4TH QTR										
1 2023 HEALTH INTERLOCAL 4TH QTR		6,058.50	3-01-43-511-001-026	B West Windsor Health Contract	R	10/31/23	11/15/23			4TH QTR 2023	N	
Vendor Total:		6,058.50										

Vendor #	Name											
PO #	PO Date	Description	Contract	PO Type			First	Rcvd	Chk/Void		1099	
Item	Description	Amount	Charge	Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
Total Purchase Orders:		50	Total P.O. Line Items:		94	Total List Amount:	130,045.17	Total Void Amount:		0.00		

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	3-01	101,966.87	0.00	101,966.87	0.00	0.00	101,966.87
	3-09	15,325.16	0.00	15,325.16	0.00	0.00	15,325.16
Year Total:		117,292.03	0.00	117,292.03	0.00	0.00	117,292.03
GENERAL CAPITAL	C-04	9,995.09	0.00	9,995.09	0.00	0.00	9,995.09
TRUST OTHER - FUND #12	T-12	2,758.05	0.00	2,758.05	0.00	0.00	2,758.05
Total of All Funds:		130,045.17	0.00	130,045.17	0.00	0.00	130,045.17

Resolution 2023-208

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AWARDING CONTRACT FOR REMOVAL, TRANSPORTATION,
DELIVERY AND DISPOSAL OF SLUDGE CAKE – WASTE
MANAGEMENT OF NEW JERSEY, INC.**

WHEREAS, two (2) bids were received on November 3, 2023, for the removal, transportation, delivery and disposal of sludge cake for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the removal, transportation, delivery and disposal of sludge cake be awarded to the low bidder, Waste Management of New Jersey, Inc. of Newtown, PA at a per unit price of \$170.00 per ton with a total contract price not to exceed \$136,000.00; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by Waste Management is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for removal, transportation, delivery and disposal of sludge cake is hereby awarded to Waste Management of New Jersey, Inc. of Newtown, PA, effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-209

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING A CONTRACT FOR LIQUID CHLORINE – GEORGE S. COYNE CHEMICAL CO., INC.

WHEREAS, one (1) bid was received on November 3, 2023, for Liquid Chlorine for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for Liquid Chlorine be awarded to the low bidder, George S. Coyne Chemical Company, Inc. of Croydon, PA, at a per unit price of \$2.9954 per pound with a total contract price not to exceed \$17,972.40; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Liquid Chlorine is hereby awarded to George S. Coyne Chemical Company, Inc. of Croydon, PA, effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-210

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING CONTRACT FOR FLUOROSILICIC ACID (FLUORIDE) – GEORGE S. COYNE CHEMICAL CO., INC

WHEREAS, one (1) bid was received on November 3, 2023, for Fluorosilicic Acid (Fluoride) for the Water Treatment Plant in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the Fluorosilicic Acid (Fluoride) be awarded to the low bidder, George S. Coyne Chemical Co. of Croydon, Pennsylvania, at a per unit price of \$10.5536 per gallon with a total contract price not to exceed \$17,096.83; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Fluorosilicic Acid (Fluoride) is hereby awarded to George S. Coyne Chemical Co. of Croydon, Pennsylvania effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-211

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING A CONTRACT FOR ALUMINUM SULFATE USALCO, LLC

WHEREAS, one (1) bid was received on November 3, 2023, for Aluminum Sulfate for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a two year contract for the Aluminum Sulfate be awarded to the low bidder, USALCO, LLC of Baltimore, Maryland at a per unit price of \$1.4696 per gallon with a total contract price not to exceed \$66,132.00; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by USALCO, LLC is in order with respect to legal compliance is pending;; and

WHEREAS, funds will be made available in the 2024 and 2025 budgets for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Aluminum Sulfate is hereby awarded to USALCO, LLC of Baltimore, Maryland effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-212

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING CONTRACT FOR CALCIUM HYDROXIDE (HYDRATED LIME) – GEORGE S. COYNE CHEMICAL CO., INC.

WHEREAS, two (2) bids were received on November 3, 2023, for Calcium Hydroxide (Hydrated Lime) for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the Calcium Hydroxide (Hydrated Lime) be awarded to the low bidder, George S. Chemical Co., Inc., of Croydon, Pennsylvania at a per unit price of \$0.3629 per pound with a total contract price not to exceed \$52,620.50; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Calcium Hydroxide (Hydrated Lime) is hereby awarded to George S. Chemical Co., Inc. effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-213

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING CONTRACT FOR MAGNESIUM HYDROXIDE – PREMIER MAGNESIA, LLC

WHEREAS, one (1) bid was received on November 3, 2023, for Magnesium Hydroxide for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the Magnesium Hydroxide be awarded to the low bidder, Premier Magnesia, LLC of Wayne, PA at a per unit price of \$936.00 per ton with a total contract price not to exceed \$53,160.00; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by Premier Magnesia is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Magnesium Hydroxide is hereby awarded to, Premier Magnesia, LLC of Wayne, PA effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-214

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING CONTRACT FOR SODIUM BICARBONATE – PARK PUMPS AND CONTROLS

WHEREAS, three (3) bids were received on November 3, 2023, for Sodium Bicarbonate for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for Sodium Bicarbonate be awarded to the low bidder, Park Pumps and Controls of Edgewater Park, New Jersey at a per unit price of \$0.50 per pound with a total contract price not to exceed \$20,250.00; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by Park Pumps and Controls is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Sodium Bicarbonate is hereby awarded Park Pumps and Controls of Edgewater Park, New Jersey, effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-215

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AWARDING CONTRACT FOR CALCIUM HYPOCHLORITE – GEORGE S. COYNE CHEMICAL, CO., INC.

WHEREAS, two (2) bids were received on November 3, 2023, for Calcium Hypochlorite for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the Calcium Hypochlorite be awarded to the low bidder, George S. Coyne Chemical, Co., Inc. of Croydon, Pennsylvania at a per unit price of \$4.5929 per pound with a total contract price not to exceed \$2,296.45; and

WHEREAS, said contract shall be effective January 1, 2024; and

WHEREAS, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

WHEREAS, funds will be made available in the 2024 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Calcium Hypochlorite is hereby awarded to George S. Coyne Chemical, Co., Inc. of Croydon, Pennsylvania effective January 1, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk



Roberts
ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

November 7, 2023

Mayor and Council
Borough of Hightstown
156 Bank Street
Hightstown, New Jersey 08520

Re: Emergency and On-Call Services for Water and Sewer Utilities
Borough of Hightstown, Mercer County, New Jersey
Our File No.: H1537

Dear Mayor and Council:

Bids were received for the Emergency and On-Call Services for Water and Sewer Utilities Contract on Friday, November 3, 2023. A total of four (4) bidders picked up plans and specifications and three (3) bidders submitted a bid. The bid consists of three (3) types of emergency and on-call services. The first type is for emergency services (Bid A). The second type is for critical but non-emergency services (Bid B) and the third type is for planned services that are neither critical nor an emergency (Bid C). The bid is based on a 2-year contract length. The bids received were as follows:

<u>Bidders</u>	<u>Bid A</u>	<u>Bid B</u>	<u>Bid C</u>	<u>Total Bid Cost</u>
Waters & Bugbee, Inc.	\$45,050.00	\$7,450.00	\$18,862.50	\$71,362.50
Earle Asphalt Company	\$47,337.50	\$7,936.00	\$16,700.00	\$71,973.50
J. Fletcher Creamer & Son, Inc.	\$48,545.00	\$9,688.00	\$18,268.00	\$76,501.00

The bid was prepared so that the Borough could create a pool of contractors to be available for this work. We have worked with the contractors in the past and have found them to be efficient, and responsive.

All prices provided are reasonable and fall below the Engineer's Estimate. Subject to the review of the contract documents by the Borough Attorney, it is our recommendation that contracts be awarded to the two (2) lowest bidders, Waters and Bugbee, Inc., and Earle Asphalt Company in the total amounts of \$71,362.50 and \$71,973.50, respectively. We do not recommend a contract be awarded to J. Fletcher Creamer & Son, Inc as they are located greater than 30 miles from the Borough and do not meet the location requirement in the specification.

Upon award of contracts, this office will prepare a formal procedure for determining how the contractors will be contacted in case of an emergency.

By way of this letter the original bids are being returned to the Clerk.

Very truly yours,

A handwritten signature in blue ink that reads "Carmela Roberts". The signature is fluid and cursive, with the first name "Carmela" and last name "Roberts" clearly distinguishable.

Carmela Roberts, P.E., C.M.E.
Borough Engineer

cc: Dimitri Musing, Borough Administrator
Peggy Riggio, RMC, CMR, Borough Clerk
Mairead Thompson, Administrative Assistant, Finance
George Lang, Borough CFO
Fred Raffetto, Esq., Borough Attorney
Ken Lewis, Superintendent of Public Works
Cameron Corini, P.E., C.M.E., Roberts Engineering Group, LLC
Kelly Pham, E.I.T., Roberts Engineering Group, LLC



Emergency and On-Call Services for Water and Sewer Utilities
Friday, November 3, 2023 at 11:30 am

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

Summary of Bids Our File No.: H1537				Roberts Engineering Group, LLC 1670 Whitehorse-Hamilton Square Road Hamilton, New Jersey 08690 Phone: (609) 586-1141 Fax: (609) 586-1143		Waters & Bugbee, Inc. 75 South Gold Drive Hamilton, New Jersey 08691 Phone: (609) 584-1100 Fax: (609) 584-2200		Earle Companies Route 34, P.O. Box 556 Farmingdale, New Jersey 07726 Phone: (732) 308-1113 Ext. 206 Fax: (732) 308-1034		J. Fletcher Creamer & Son, Inc. 101 East Broadway Hackensack, New Jersey 07601 Phone: (201) 678-2685 Fax: (201) 488-2901		Crest Construction Group, LLC 880 Route 9 Little Egg Harbor, New Jersey 08087 Phone: (609) 698-2122 Ext. 106 Fax: (609) 698-2422		
Description			Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID A - EMERGENCY REPAIRS														
A-1	Supply Construction Superintendent of Foreman	HOURS	60	\$220.00	\$13,200.00	\$235.00	\$14,100.00	\$230.00	\$13,800.00	\$100.00	\$6,000.00			
A-2	Supply Laborer	HOURS	120	\$190.00	\$22,800.00	\$165.00	\$19,800.00	\$182.50	\$21,900.00	\$175.00	\$21,000.00			
A-3	Supply Operator	HOURS	30	\$190.00	\$5,700.00	\$215.00	\$6,450.00	\$190.00	\$5,700.00	\$475.00	\$14,250.00			
A-4	Supply Backhoe	HOURS	45	\$50.00	\$2,250.00	\$45.00	\$2,025.00	\$30.00	\$1,350.00	\$1.00	\$45.00			
A-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	25	\$190.00	\$4,750.00	\$85.00	\$2,125.00	\$182.50	\$4,562.50	\$200.00	\$5,000.00			
A-6	Supply Air Compressor and Jack Hammer	HOURS	5	\$1.00	\$5.00	\$5.00	\$25.00	\$1.00	\$5.00	\$150.00	\$750.00			
A-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	10	\$1.00	\$10.00	\$25.00	\$250.00	\$1.00	\$10.00	\$75.00	\$750.00			
A-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	10	\$1.00	\$10.00	\$27.50	\$275.00	\$1.00	\$10.00	\$75.00	\$750.00			
				Total Cost:	\$48,725.00	Total Cost:	\$45,050.00	Total Cost:	\$47,337.50	Total Cost:	\$48,545.00	Total Cost:	No Bid Received	

Description		Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID B - CRITICAL REPAIRS													
B-1	Supply Construction Superintendent of Foreman	HOURS	8	\$190.00	\$1,520.00	\$175.00	\$1,400.00	\$180.00	\$1,440.00	\$280.00	\$2,240.00		
B-2	Supply Laborer	HOURS	24	\$175.00	\$4,200.00	\$140.00	\$3,360.00	\$155.00	\$3,720.00	\$110.00	\$2,640.00		
B-3	Supply Operator	HOURS	8	\$175.00	\$1,400.00	\$175.00	\$1,400.00	\$160.00	\$1,280.00	\$425.00	\$3,400.00		
B-4	Supply Backhoe	HOURS	8	\$50.00	\$400.00	\$45.00	\$360.00	\$30.00	\$240.00	\$1.00	\$8.00		
B-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	8	\$170.00	\$1,360.00	\$85.00	\$680.00	\$155.00	\$1,240.00	\$50.00	\$400.00		
B-6	Supply Air Compressor and Jack Hammer	HOURS	8	\$1.00	\$8.00	\$5.00	\$40.00	\$1.00	\$8.00	\$50.00	\$400.00		
B-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	4	\$1.00	\$4.00	\$25.00	\$100.00	\$1.00	\$4.00	\$75.00	\$300.00		
B-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	4	\$1.00	\$4.00	\$27.50	\$110.00	\$1.00	\$4.00	\$75.00	\$300.00		
				Total Cost:	\$8,896.00	Total Cost:	\$7,450.00	Total Cost:	\$7,936.00	Total Cost:	\$9,688.00	Total Cost:	No Bid Received

Description	Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID C - SCHEDULED REPAIRS												
C-1	Supply Construction Superintendent of Foreman	HOURS	12	\$190.00	\$2,280.00	\$175.00	\$2,100.00	\$180.00	\$2,160.00	\$134.00	\$1,608.00	
C-2	Supply Laborer	HOURS	20	\$170.00	\$3,400.00	\$140.00	\$2,800.00	\$155.00	\$3,100.00	\$175.00	\$3,500.00	
C-3	Supply Operator	HOURS	5	\$170.00	\$850.00	\$175.00	\$875.00	\$165.00	\$825.00	\$450.00	\$2,250.00	
C-4	Supply Backhoe	HOURS	10	\$50.00	\$500.00	\$45.00	\$450.00	\$30.00	\$300.00	\$1.00	\$10.00	
C-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	10	\$170.00	\$1,700.00	\$85.00	\$850.00	\$155.00	\$1,550.00	\$50.00	\$500.00	
C-6	Supply Air Compressor and Jack Hammer	HOURS	5	\$1.00	\$5.00	\$5.00	\$25.00	\$1.00	\$5.00	\$50.00	\$250.00	
C-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	5	\$1.00	\$5.00	\$25.00	\$125.00	\$1.00	\$5.00	\$75.00	\$375.00	
C-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	5	\$1.00	\$5.00	\$27.50	\$137.50	\$1.00	\$5.00	\$75.00	\$375.00	
C-9	To Supply 8" Insertion Valve	UNIT	1	\$15,000.00	\$15,000.00	\$11,500.00	\$11,500.00	\$8,750.00	\$8,750.00	\$9,400.00	\$9,400.00	
				Total Cost:	\$23,745.00	Total Cost:	\$18,862.50	Total Cost:	\$16,700.00	Total Cost:	\$18,268.00	Total Cost: No Bid Received

TOTAL CONSTRUCTION COST (BID A + BID B + BID C)	Total Cost:	\$81,366.00	Total Cost:	\$71,362.50	Total Cost:	\$71,973.50	Total Cost:	\$76,501.00	Total Cost:	No Bid Received			
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Carmela Roberts, P.E., C.M.E.
NJ License No. 34419

Resolution 2023-216

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

PROCLAIMING DECEMBER 4, 2023, AS COMMUNITIES OF LIGHT DAY

WHEREAS, it is the policy of Hightstown Borough to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 120,404 women, 17,024 children and 8,072 men. Additionally, Womanspace has assisted more than 317,089 hotline callers over the last 46 years; and

WHEREAS, Hightstown Borough commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, the Mayor and Council of Hightstown Borough urges that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 4, 2023, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2023 will be used to fund vital services for victims of domestic violence, sexual assault, and human trafficking.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that Monday, December 4, 2023, is Communities of Light Day and hereby commends Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-217

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

A RESOLUTION SUPPORTING THE HIGHTSTOWN HOLIDAY SING-A-LONG 2023 SPONSORED BY HIGHTSTOWN BOROUGH CULTURAL ARTS COMMISSION

WHEREAS, the Cultural Arts Commission is a recognized commission of Hightstown Borough pursuant to Article 2-48 entitled “Cultural Arts” of “The Revised General Ordinances of the Borough of Hightstown”; and

WHEREAS, one of the obligations of the Cultural Arts Commission as set forth in the in Article 2-48 is to sponsor artistic activities for the benefit of the Hightstown Community; and

WHEREAS, one such activity planned and sponsored by the Cultural Arts Commission is the Hightstown Holiday Sing-a-long; and

WHEREAS, the 2023 Holiday Sing-a-Long is scheduled to take place on Saturday, December 16, 2023 from 7:00 p.m. – 8:00 p.m. at Memorial Park.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown support the Hightstown Holiday Sing-a-long and look forward to another successful community event sponsored by the Cultural Arts Commission.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 20, 2023.

Margaret Riggio
Borough Clerk

Ordinance 2023-XXX

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER STATE OF
NEW JERSEY*

AN ORDINANCE REPEALING ORDINANCE 2021-06, AND TO CONDITIONALLY PERMIT CERTAIN CLASSES OF CANNABIS BUSINESSES TO LOCATE WITHIN SPECIFIED GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF HIGHTSTOWN IN MERCER COUNTY, NEW JERSEY, ADDING LICENSING REQUIREMENTS TO CHAPTER 4, ENTITLED “GENERAL LICENSING,” AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” AND ESTABLISHING CHAPTER 31, ENTITLED “TAXATION OF CANNABIS SALES,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, the Hon. Philip Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, Section 31(a) of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer and State of New Jersey, having previously decided that additional study of cannabis business was warranted and who thus voted to opt out of permitting any cannabis businesses, excepting the delivery of cannabis products as allowed by the Act, through the enactment of Ordinance 2021-06, now codified as Article 28-12 of the “Revised General Ordinances of the Borough of Hightstown,” have further studied the issues at hand, including the receipt of input from the Planning Board, and have at this time found it necessary and appropriate, and in the best interests of the health, safety and welfare of the Borough’s residents and members of the public who visit, travel, and/or conduct business in the Borough, to permit certain classes of cannabis-related businesses, land use and development within the geographic boundaries of the Borough, pursuant to the terms and conditions set forth herein, and to amend the Borough’s Ordinances accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer, and State of New Jersey, as follows:

Section 1. Article 4-13, presently “Reserved,” of Chapter 4, “General Licensing,” shall be named “Cannabis Licensing,” and shall constitute the following:

Article 4-13. Cannabis Licensing.

§ 4-13-1. Definitions.

As used in this article, the following terms shall have the meanings as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” as it may be amended or superseded, and are included herein for purposes of general acknowledgement and ease of use:

CLASS 1 CANNABIS CULTIVATOR LICENSE

A license for facilities involved in growing and cultivating cannabis.

CLASS 2 CANNABIS MANUFACTURER LICENSE

A license for facilities involved in the manufacturing, preparation, and packaging of cannabis items.

CLASS 3 CANNABIS WHOLESALE LICENSE

A license for facilities involved in obtaining and selling cannabis items for later resale by other licensees.

CLASS 4 CANNABIS DISTRIBUTOR LICENSE

A license for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another.

CLASS 5 CANNABIS RETAILER LICENSE

A license for locations at which cannabis items and related supplies are sold to consumers.

CLASS 6 CANNABIS DELIVERY LICENSE

A license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

All other terms as defined in the Act are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

In addition, the following terms shall have the meanings indicated:

GIFTING

Shall mean the sale of any object containing cannabis or a cannabis product wherein the

cannabis itself is assigned no or a below market price sales price.

§ 4-13-2. Non-Licensed Cannabis Businesses and Individual Proprietors and Gifting Prohibited.

The cultivation, manufacturing, preparation, packaging, wholesaling, distributing, retailing, delivery and other related enterprise consisting in whole or in part of cannabis growing, harvesting, drying, producing, marketing and selling by non-licensed businesses or individuals is hereby prohibited throughout the Borough of Hightstown. No licensed cannabis enterprise and no non-licensed business or individual may undertake the gifting of cannabis in the Borough of Hightstown. In addition to any criminal penalties which may be applicable, the Borough shall impose a civil penalty for the violation of any of the provisions of this section in accordance with §4-13-5.

§ 4-13-3. Licensed Use Applicability.

The use of any cannabis license shall only be in strict accordance with the land use and location requirements of §28-12 of the Revised General Ordinances of the Borough of Hightstown. Consequently, the Borough of Hightstown may or may not establish locations for the use and operation of the six types of cannabis business licenses and operations as set forth in the Act. Should the Borough of Hightstown establish more than one type of cannabis license, nothing herein shall prohibit a single owner from owning more than one such license, provided such ownership is not prohibited by State statute or rule.

§ 4-13-4. Local Licensing Authority.

- A. The Borough Council is hereby designated to act as the local licensing authority for the Borough of Hightstown for all cannabis businesses within the Borough. The Borough Administrator shall act as the receiver of any communications from the State Cannabis Regulatory Commission and shall promptly convey any item of information with regard to the licensing of cannabis businesses by the State or in which State law requires any review or approval by the Borough of any action to the Borough Council.
- B. Under no circumstances shall a local license for a cannabis business issued by the Borough Council be effective until or unless the State has issued the requisite licenses to operate such a facility. It is the intent of this article that no cannabis business may lawfully operate in the Borough of Hightstown without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as required by law as well as oversight and issuance of a license by the Borough.
- C. Municipal licensing for cannabis businesses shall follow the nomenclature of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” as indicated in the definitions in this article.
- D. Maximum number of licenses and fees. Subject to the provisions of § 28-3-14(A)(3), the Borough may issue up to and including the following number of licenses which shall require

the associated license application and annual renewal fee:

BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE

License	Class	Maximum Number of Licenses to be Issued	Nonrefundable Application Fee	Annual License Renewal
Cannabis Cultivator	1	1	\$10,000.00	\$25,000.00
Cannabis Manufacturer	2	1	\$10,000.00	\$25,000.00
Cannabis Wholesaler	3	1	\$10,000.00	\$25,000.00
Cannabis Distributor	4	1	\$10,000.00	\$25,000.00
Cannabis Retailer	5	0	N/A	N/A
Cannabis Delivery	6	0	N/A	N/A

For any class of cannabis license referenced in the schedule above in which the number “0” is specified under the column entitled “Maximum Number of Licenses to be Issued,” the Borough hereby continues to “opt out” relating to that class of cannabis license under the Act, as originally declared in Ordinance 2021-06.

E. A resolution of support issued by the Borough Council pursuant to N.J.A.C. 17:30-5.1(g)1 to a cannabis business shall expire within eighteen (18) months unless the business has secured at least one of the annual State issued cannabis licenses for operation of a Class 1 through 4 business within the Borough of Hightstown. The Borough Council may extend the resolution of support at its discretion for up to two (2) additional periods of six (6) months each for good cause, including but not limited to delays in the processing of approvals required from State, county or other local agencies. There shall be a fee of \$2,500.00 for each extension request.

F. Additional licensing regulations.

(1) Hours of operation.

- (a) The hours of operation of vehicles on the premises of a cannabis business with a gross vehicle weight rating of 25,000 lbs. or greater for Classes 2 through 4 licensees shall be limited from 7:00 am to 7:00 pm, inclusive, unless, as part of a site plan application and for good cause shown and mitigation of noise, appropriate access and site layout, an extended period, not to exceed 14 hours total in any day, is approved by the Planning Board.
- (b) Such hours shall be construed to mean Eastern Standard Time or Eastern Daylight Savings Time, whichever time shall be in effect within the Borough of Hightstown.

- (2) Prohibited consumption. The consumption of cannabis items through smoking, vaping, aerosolizing or other means (e.g. edibles) is prohibited within or on the grounds of any licensed cannabis establishments, distributors, or delivery service of any class of license within the Borough of Hightstown.
- (3) Security. All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures as prescribed by State law.
 - (a) There shall be controlled access to the site, with 24/7 on-site video monitoring of the exterior and interior of the facility. Video records shall be retained and stored for the period prescribed by State law, but in no case shall such video be retained and stored for less than 30 days.
 - (b) Any site plans, construction plan, reports and similar documents depicting or describing access and security details information concerning the facility shall be deemed and protected as confidential security documents and exempt from disclosure as public records.
- (4) Emergency power. All licensed cannabis establishments, distributors, or delivery services shall have a backup generator, capable of maintaining, at a minimum, all electronic security systems and odor control systems in the event of a power failure for a period of at least forty-eight (48) hours.
- (5) Enclosed building. All cultivation, manufacturing, storage and distribution activities, as may be permitted within the Borough, shall take place within an enclosed building. Any facility that is not the sole occupant of its building shall have no internal doorways, windows, or utility chases in common with other spaces in the building and shall have a separate HVAC system (which incorporates odor control) solely for the cannabis business.
- (6) Pollen and seed control. Any cannabis business shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, which may include, but not limited to, use of pollen screens, ultraviolet light and other methods to ensure that employees, customers, vendors and other persons on site do not leave the premises while carrying any cannabis pollen or seeds knowingly or unknowingly.
- (7) Fencing. All fencing or walls installed for security purposes shall be at least six (6) feet in height. Such security structure may be extended in height as approved on a site plan by the Planning Board.
- (8) Site management. Any cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No cannabis business shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable.
- (9) Noise. All cannabis business facilities shall operate in compliance with state, county, and local noise laws and regulations, except in emergency situations requiring the use of a backup

generator.

(10)Odor. All cannabis business facilities shall utilize available technology to filter and recirculate air, so that odors are not discernable by a reasonable person beyond the property line. Such determination shall be supported by such exhibits, submissions and expert testimony in a development application before the Planning Board for site plan approval to which the approving authority may attach reasonable conditions. The Planning Board may engage such experts as needed to evaluate the submissions made by the applicant in accordance with the procedures set forth in N.J.S.A. 40:55D-1, *et seq.*

(11)Site Plan and other necessary land use approvals. All applicants for a license to operate a cannabis business within the Borough shall be required to apply for and obtain site plan approval and any other necessary land use approvals from the Planning Board.

(12)Host community benefits agreement. Any applicant for a license to operate a cannabis business within the Borough shall be required to enter into a host community benefits agreement with the Borough to (i) address on- or off-site impacts reasonably anticipated because of the nature of the business and/or the property on which such business is proposed to be located as a condition of local land use approval, and/or (ii) memorialize an applicant's commitments to voluntarily donate funds to local charitable non-profit organizations and/or government agencies.

(13)Sales Restricted to Persons Over Age 21. No sales of cannabis items shall be permitted to persons who are under the age of twenty-one (21) years.

G. Application for Local License. Persons wishing to obtain any permitted classification of cannabis license within the Borough shall file a license application with the Borough Clerk, on a standardized form established by the Borough and available in the Borough Clerk's office or other suitable locations as determined by the Borough. An application shall be deemed incomplete, and shall not be processed by the Borough, until all documents and application fees are submitted. To be deemed complete, all applications shall be submitted to the Borough Clerk's Office and shall be accompanied by the items referenced below. The following regulations shall apply:

(1) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

(2) The applicant shall submit an affidavit and documentary proof of compliance with all State and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

- (3) The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE.
- (4) The applicant and the application shall otherwise comply with any and all qualification standards set forth in the State and Borough laws or regulations.
- (5) Completed applications shall include a business plan outlining the proposed operations of the cannabis business.
- (6) All applications shall be evaluated by the Hightstown Cannabis Committee. The Committee shall consist of the Borough Administrator and the Chief of Police, or their respective designees, and another Borough employee or non-Governing Body official to be designated by the Borough Administrator. The Committee shall evaluate all applications and issue to the Borough Council a recommendation as to the issuance of a resolution of support, a resolution of support with conditions or a rejection of the application. The recommendation shall be made after consideration and evaluation of the following criteria:
 - (a) The applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, or retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of the owners' experience shall outweigh the experience of non-owner principals.
 - (b) The applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in securing controlled substances or valuable items. Applicant shall submit a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management as well as training plans.
 - (c) The status of the applicant's control over the premises at the proposed location, and specifically whether the applicant owns or has executed an agreement to lease or purchase the site.
 - (d) The extent of the applicant's ties to the community as measured by residency in Hightstown by employees, managers and/or shareholders, historical operation of a local business, historical ties to Hightstown or area civic organizations and/or charities.
 - (e) Any other information that the applicant may wish to highlight and bring to the Borough's attention regarding the proposed cannabis business operation and/or the owners, principals or employees of the business.
- (7) The Borough Council shall act on the recommendations made by the Hightstown Cannabis Committee within 45 days of the committee issuing its recommendations to issue a resolution of support, resolution of support with conditions, or to not issue a resolution of support of a

municipal cannabis license under the terms of paragraph -h hereinbelow. The Borough Council shall not issue resolutions of support in excess of the number of local cannabis licenses permitted in accordance with the BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE. The Borough Administrator shall engage with an applicant granted a resolution of support or a resolution of support with conditions for a host community benefits agreement which must be approved by the Borough Council.

- (8) Notwithstanding the foregoing competitive application process, a notification of a resolution of support shall entitle the recipient applicant to pursue a State license in the appropriate cannabis class for up to eighteen (18) months, which may be extended at the Borough Council's discretion for an additional six (6) months for good cause. No license to operate shall issue until the applicant has received a State annual license and satisfied other prerequisites of municipal licensure. If the recipient of a resolution of support has not received a State license within eighteen (18) months from issuance, unless extended for good cause, the Borough Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

H. Terms of local cannabis license and cannabis license renewals:

- (1) Before the occupancy of a building or buildings where the local cannabis license will be used to operate the cannabis business, the license holder shall obtain site plan approval, along with any and all other land use approvals deemed necessary, from the Hightstown Planning Board, along with any additional outside governmental agency approval(s) which may be necessary.
- (2) Any local license issued pursuant to this article shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this article.
- (3) The Borough Administrator may, at the official's discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- (4) Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
- (5) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to joint Borough Council and Planning Board review and approval as well as a new license application.
- (6) Except where the Borough Administrator has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any licensee after the expiration date recorded on the face of the license, except for the closure of the business.

§ 4-13-5. Enforcement and Penalties.

- A. This ordinance shall be enforced by the Code Enforcement Officer and/or their designee.
- B. Jurisdiction. Violations of this ordinance shall be adjudicated in the Hightstown Municipal Court. This ordinance shall not affect the judicial proceedings of any other aspect of cannabis use in the Borough of Hightstown.
- C. Penalties. Convictions shall result in the following penalties:
- (1) First offense and subsequent offenses: A mandatory fine shall be imposed in an amount not to exceed \$2,000.00 per day per violation. In addition to the mandatory fine, the following penalties may be imposed in the discretion of the Municipal Court Judge:
 - (a) Imprisonment in the Mercer County Jail for any term not exceeding 90 days; or
 - (b) Imposition of a period of community service for a period not exceeding 90 days.
 - (2) Each and every day of the violation shall be construed as a single and separate offense.
 - (3) Summary suspension. Notwithstanding the foregoing, when the Borough Administrator has been notified of a third conviction by a licensee or has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires immediate action, or in circumstances where the licensee has failed to reimburse the municipality for outside third party financial consultant fees in a timely manner as set forth in § 31-1.5a of the Borough Code, the Borough Administrator may enter a summary suspension order which immediately suspends the licensee's license to operate and schedule a hearing as follows:
 - (a) The summary suspension order shall be in writing, shall state the reasons therefor, and shall schedule a hearing not less than ten (10) nor more than thirty (30) days from the date of the order. The order shall be served upon the licensee immediately.
 - (b) The Borough Administrator shall convene the Hightstown Cannabis Committee to conduct the hearing. The licensee shall be permitted to appear at the hearing, along with counsel, if so desired. The licensee must notify the Borough Administrator at least five (5) days prior to the hearing if the licensee plans to bring counsel to the hearing. At the conclusion of the hearing, the Hightstown Cannabis Committee may lift the suspension order and reinstate the license in cases where the licensee has taken sufficient immediate actions to rectify the violation(s) which were the cause of the summary suspension order. Alternatively, the Hightstown Cannabis Committee may impose any fines, conditions, restrictions, suspensions, revocations or combination thereof as warranted.
 - (c) Inactive licenses. Following the commencement of operations by a cannabis business, the Borough Administrator may suspend or revoke any license if the licensed premises has been inactive or unoccupied by the licensee for at least six (6) months.

- (4) State license. The Hightstown Cannabis Committee may suspend or revoke any locally-issued license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

Section 2. Section 28-3-14, entitled “H-C Highway Commercial District,” of Article 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented as follows (additions are shown with underline):

§ 28-3-14, H-C Highway Commercial District.

A. Permitted Uses. In the H-C Highway Commercial District, the following uses, and no others, shall be permitted:

(1) Principal Uses. [Unchanged]

(2) Accessory Uses and Structures.

(a) Off-street parking and loading facilities.

(b) Private garages and storage buildings.

(c) Fences, walls and landscaping.

(d) Amusement machines: as permitted in the DTC Downtown Core District.

(e) Satellite dishes, subject to the restrictions and requirements set forth in § 28-10-19.

(f) Signs in accordance with Chapter 29.

(g) Accessory uses and structures customarily incidental and on the same lot as a principal or conditional use.

(3) Conditional Uses. The following uses shall be permitted when authorized as a conditional use by the Planning Board when meeting their associated criteria:

(a) Cannabis Cultivation, Manufacturing, Wholesaling or Distribution, subject to the following criteria:

[1] Such use or uses shall be located on a tract of land comprising at least ten (10) contiguous acres. The vertically integrated operation of Cannabis Cultivation and Cannabis Manufacturing shall be permitted on the same tract of land.

[2] Such use shall operate fully within an enclosed building.

[3] Excepting emergency egress doors, each entrance and exit, including loading docks

doors, shall be designed to prevent interior air from escaping out of doors unless properly treated as required under §4-13-4f.10 through air locks, negative pressurization or other means of preventing untreated air from exiting the building.

[4] All criteria set forth in the licensing regulations at §4-13-4f shall apply.

- (b) Notwithstanding § 4-13-4(d), and subject to approval of the State Cannabis Regulatory Commission, nothing herein shall prohibit multiple licensees within each permitted class from operating simultaneously on the same tract of land, provided that each licensee otherwise satisfies the conditional use criterion herein and any requirements of the State with respect to the co-location of cannabis businesses on the same tract of land or within the same building.

B. Other Restrictions. *[Editor's Note: For brevity, the language of the existing Code is not recited hereafter, as all existing language and subsections which are currently in effect under §28-3-14B are not being revised as part of the within Ordinance and shall remain unchanged.]*

Section 3. Article 28-12, entitled "Cannabis," of Chapter 28, "Zoning," of the "Revised General Ordinances of the Borough of Hightstown" is hereby REPEALED in its entirety.

Section 4. There is hereby created Chapter 31, entitled "Taxation of Cannabis Sales," of the "Revised General Ordinances of the Borough of Hightstown," which shall read as follows:

Chapter 31. Taxation of Cannabis Sales

§ 31-1-1. Title.

This chapter shall be known as the "Taxation of Cannabis Sales."

§ 31-1-2. State Enablement.

- A. Legislation. On February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession.
- B. The Act establishes six marketplace classes of licensed businesses, including:
 - (1) Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
 - (2) Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
 - (3) Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

- (4) Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
 - (5) Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
 - (6) Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.
- C. A Cannabis Business is defined as any business that holds one or more State of New Jersey issued license for Class 1 through Class 6 cannabis business and a Vertically Integrated Cannabis Business is defined as any Cannabis Business that holds more than one Cannabis License.
- D. Section 40a(1) of the Act permits a municipality to adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are twenty-one (21) years of age or older; or any combination thereof and to set its own rate or rates, but in no case exceeding: two (2) percent of the receipts from each sale by a cannabis cultivator; two (2) percent of the receipts from each sale by a cannabis manufacture; one (1) percent of the receipts from each sale by a cannabis wholesaler; and two (2) percent of the receipts from each sale by a cannabis retailer.
- E. Section 40a(2) of the Act requires a municipality enacting a Transfer Tax to also enact a User Tax.

§ 31-1-3. Definitions.

CANNABIS

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS CULTIVATOR

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS ESTABLISHMENT

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS ITEMS

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS MANUFACTURER

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS RETAILER

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CANNABIS WHOLESALER

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

CONSUMER

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

PREMISES

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

TAXPAYER BUSINESS

Shall mean for the purposes of this Chapter any cannabis business defined in this sub-section.

All other terms as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

§ 31-1-4. Establishment of Transfer and User Taxes.

A. Transfer Tax.

- (1) There is hereby imposed a transfer tax in the amount of two percent (2%) on receipts from the sale of cannabis as follows:
 - (a) From the sale of cannabis by a cannabis cultivator to another cannabis establishment;
and
 - (b) From the sale of cannabis items from one cannabis manufacturer to another cannabis establishment.
 - (c) From the sale of cannabis items from a cannabis retailer to the consumer, if retail cannabis sales become permitted in Hightstown Borough.
- (2) There is hereby imposed a transfer tax in the amount of one percent (1%) on receipts of the sale of cannabis as follows:

- (a) From the sale of cannabis items from one cannabis wholesaler to another cannabis establishment.

B. Collection of Transfer Tax. Such tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the

cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No cannabis establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the cannabis establishment or the consumer.

- C. User Tax. There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L. 2021, c.16 (C.24:6 -46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs a and -b of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality. The value of each transfer or use of cannabis or cannabis items for user tax computation shall equal the statewide average retail price of an ounce of usable cannabis for consumer purchase, as determined by the Cannabis Regulatory Commission, less ten percent (10%) or the third-party dispensary wholesale price, whichever is less.
- D. Relationship to Other Taxes. A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L. 1966, c.30 (C.54:32B-1 et seq.). The Transfer tax or user tax shall be paid by the cannabis establishment purchasing or receiving any cannabis or cannabis item from any cannabis cultivator or cannabis manufacturer licensed by the municipality, and shall be collected and remitted to the municipality by the cannabis establishment licensed by the municipality. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- E. Tax Liability. Every cannabis establishment required to collect a transfer tax or user tax imposed pursuant to this ordinance shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief financial officer of the Borough of Hightstown which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax. No cannabis establishment required to collect a transfer tax or user tax imposed by pursuant to this ordinance shall advertise or hold out to any person or to the

public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

§ 31-1-5. Administration of Transfer and User Taxes.

- A. Unless otherwise determined by the Borough Council, the chief financial officer of Hightstown is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and statements, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. The Borough Council may determine at any time, in its sole discretion, to retain an outside third party financial consultant (the “outside consultant”) to exercise all of duties and responsibilities of the chief financial officer as set forth above, with the exception of the power of enforcement, levying of fines and penalties and entering into agreements with the State of New Jersey. In the event that the Borough Council retains such an outside consultant, the fee schedule for the outside consultant shall be presented, for informational purposes only, to the cannabis business before such audit and other work is undertaken. The cannabis business shall be responsible for reimbursement to the Borough of the fees incurred by the Borough to the outside consultant for services rendered in its examination of the business’s accounts for the determination of tax to be paid. A copy of the invoice shall be sent to the cannabis business by the municipality after the municipality is billed for the outside consultant’s work. The cannabis business shall reimburse the municipality for the outside consultant’s fees and expenses within sixty (60) days thereafter. Failure to timely reimburse the municipality shall invoke §4-13-5 of the Borough Code. Should a cannabis business fail or refuse to provide adequate information to the chief financial officer or the outside consultant to determine the amount of tax due, the chief financial officer or the outside consultant may use information provided from other sources (i.e., the NJ Cannabis Regulatory Commission or NJ Department of Treasury) to determine the amount of tax liability, and the licensee shall be subject to the penalties set forth in §4-13-5 of the Borough Code.
- B. It shall be the duty of the chief financial officer or the outside consultant, as applicable, to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the chief financial officer or the outside consultant, as applicable, to keep a record showing the date of such receipt. The chief financial officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the taxes. The chief financial officer is authorized to issue a ruling upon written request of a taxpayer or upon his or her own volition.
- C. The chief financial officer or the outside consultant, as applicable, is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or financial statement, or if no declaration or financial statement was filed, to

ascertain the tax due. Every taxpayer is hereby directed and required to give to the chief financial officer, or to the outside consultant, as applicable, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized or otherwise permitted by law.

- D. In the event that the transfer tax or user tax imposed pursuant to this ordinance is not paid when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- E. The chief financial officer or outside consultant, as applicable, shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- F. Returns and records filed by a licensee, and the records and files of the chief financial officer or the outside consultant, as applicable, respecting the administration of the Transfer and User Tax, shall be considered confidential and privileged and neither the chief financial officer nor any employee or outside consultant engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said returns, records or files or from any examination or inspection of the premises or property of any person, or to an officer of a public entity for a reason authorized by N.J.S.A. 54:50-9. Neither the chief financial officer nor any employee or outside consultant engaged in such administration or charged with the custody of any such returns, records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding to collect or challenge the assessment of Transfer or User Taxes hereunder, or where the determination of the action or proceeding will affect the validity or amount of the claim of the Borough hereunder, or in any lawful proceeding for the investigation and prosecution of any violation of this Article 31 or of the criminal provisions of the State Uniform Tax Procedure Law or of any State tax law, or where production is required pursuant to the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1, et seq.) or the Common Law, or the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c.16) or other applicable law.

§ 31-1-6. Recordkeeping, Tax Payments and Financial Statements.

- A. Requirement to Keep Records. Taxpayers liable for the transfer and/or user tax are required to keep such records as will enable the filing of true and accurate financial statements of the

tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the chief financial officer or any agent designated by him to verify the correctness of the declarations or financial statements filed. If records are not available in the Borough of Hightstown to support the financial statements which were filed or which should have been filed, the taxpayer will be required to make them available to the chief financial officer either by producing them at a location in the municipality or by paying for the expenses incurred by the chief financial officer or his agent in traveling to the place where the records are regularly kept.

- B. Tax Payments and Financial Statements. All cannabis establishments operating in the Borough of Hightstown shall be required to file a transfer and/or user tax statement with the chief financial officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Financial statements shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended financial statement with the chief financial officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the chief financial officer within two (2) years of the date of the payment.

Section 5. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Hightstown, inconsistent with the provisions of this ordinance, is hereby repealed to the extent of such inconsistency, only.

Section 6. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 7. Enactment. This ordinance shall become effective immediately after publication in the manner provided by law.

Section 8. Continuation and codification. This ordinance shall be a part of the “Revised General Ordinances of the Borough of Hightstown,” as through codified and fully set forth herein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Borough Code. The Borough Clerk and Borough Attorney are authorized and directed to change any chapter, article and/or section number of the “Revised General Ordinances of the Borough of Hightstown,” in the event that the codification of this ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and accidental repeal of existing provisions not intended to be repealed.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO, RMC, CMR
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

DRAFT

LFN 2023-14

August 8, 2023

Contact Information

Website

www.nj.gov/dca/divisions/dlgs

E-mail

dlgs@dca.nj.gov

Phone

609.292.6613

Mail and Delivery

101 South Broad St.

PO Box 803

Trenton, New Jersey

08625-0803

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Director

Pay-to-Play Law Updates for Local Governments

[P.L. 2023, c. 30](#), known as the “Elections Transparency Act,” (the Act) made various significant changes to New Jersey’s pay-to-play laws. This Notice identifies key changes relevant to local government pursuant to N.J.S.A. 19:44A-20.4 and 20.5.

The term “business entity,” used in this Notice as an umbrella term for vendors or contractors, is defined by N.J.S.A. 19:44A-20.7 as “any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association, or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction.”

Section 13 of the Act amended the definition of “fair and open process” in N.J.S.A. 19:44A-20.7 to expressly include contracts awarded under a public bidding or competitive contracting process pursuant to the Local Public Contracts Law.

Campaign Contribution Reporting Threshold; Non-Fair and Open Contract Awards

Although the statutory pay-to-play threshold remains in excess of \$17,500, Section 4 of the Act amended N.J.S.A. 19:44A-8 to reduce the Election Law Enforcement Commission (ELEC) contribution reporting threshold from over \$300 to over **\$200**. Please note that cash contributions of any size by business entities are prohibited.

Pursuant to N.J.S.A. 19:44A-20.4 and 20.5, a county (or any agency or instrumentality thereof) may now award a non-fair and open contract over \$17,500 to a business entity making reportable contributions under N.J.S.A. 19:44A-8 toward any county committee of a political party in that county. Likewise, a municipality (or any agency or instrumentality thereof) may now award a non-fair and open contract over \$17,500 to a business entity making reportable contributions under N.J.S.A. 19:44A-8 toward any municipal committee of a political party in that municipality. Business entities being awarded non-fair and open contracts are no longer prohibited from making reportable contributions under N.J.S.A. 19:44A-8 toward a political party’s county or municipal committee during the term of their contract.

The award of non-fair and open contracts to business entities making reportable contributions toward candidate committees remains **prohibited**, and business entities having been awarded non-fair and open contracts are still barred from making reportable contributions toward candidate committees during the contract term.

Here are some examples of permissible and non-permissible contributions in the context of a non-fair and open contract award:

Business entity contributes over \$200 to the Democratic Party Committee of XX County during the preceding one-year period.	The County (or any agency or instrumentality thereof) <u>is allowed to</u> award a non-fair and open contract to the business entity.
Business entity contributes over \$200 to the Republican Party Committee of XX Municipality during the preceding one-year period.	The Municipality (or any agency or instrumentality thereof) <u>is allowed to</u> award a non-fair and open contract to the business entity.
Business entity contributes over \$200 to the Committee to Elect Smith & Jones to the Board of County Commissioners during the preceding one-year period.	The County (or any agency or instrumentality thereof) <u>cannot</u> award a non-fair and open contract to the business entity.
Business entity contributes over \$200 to the Committee to Elect Smith & Jones to Borough Council during the preceding one-year period.	The Municipality (or any agency or instrumentality thereof) <u>cannot</u> award a non-fair and open contract to the business entity.

Section 20 of the Act further amends the Chapter 271 Political Contribution Disclosure (N.J.S.A. 19:44A-20.26) that is required of all business entities having been awarded a non-fair and open contract to eliminate the obligation to disclose reportable contributions made to any State, county, or municipal committee of a political party, or any legislative leadership committee. An updated model of the [Political Contribution Disclosure Form](#) can be found on the Division's Pay-to-Play webpage. The new form still requires business entities to disclose reportable contributions (i.e. over \$200) made to:

- Any continuing political committee (PAC); and
- Any candidate committee of a candidate for, or holder of, an elected office of:
 - the local unit;
 - of that county in which that local unit is located;
 - of another local unit within that county; and
 - of a legislative district in which that local unit is located (when the local unit is a county, this includes any legislative district that encompasses all or part of the county).

The [Business Entity Disclosure Certification](#) (N.J.S.A. 19:44A-20.8) is required to be filed by business entities prior to the award of a non-fair and open contract, along with the model [Non-Fair and Open Contract Award Resolution](#), [Non-Fair and Open Contract Contribution Prohibition sample contract language](#) and Lists of Agencies with Elected Officials Required for Political Contribution Disclosure (N.J.S.A.19:44A-20.26), which have been similarly updated to reflect the Act's changes. Broken down by county, updated agency lists are on the [Division's Pay-to-Play webpage](#) and the Appendix to this Notice. The Business Entity Annual Statement is available on the [ELEC Pay-to-Play webpage](#).

"Window" Contracts between Pay-to-Play and Qualified Purchasing Agent Bid Thresholds

Sections 11 and 12 of the Act amend N.J.S.A. 19:44A-20.4 and 20.5, respectively, to clarify that the governing body of a municipality or county (or any agency or instrumentality thereof) may delegate the authority to award a contract having an anticipated value in excess of \$17,500 but below the increased bid threshold of a Local Public Contracts Law contracting unit with a qualified purchasing agent (i.e. a "window contract") to the QPA. This delegation of authority should be incorporated into the resolution adopted pursuant to N.J.S.A. 40A:11-3 increasing the bid threshold.

State Pay-to-Play Law Now Preempts Local Pay-to-Play Restrictions

Local government entities are now prohibited from imposing pay-to-play provisions that are more restrictive than those in State law. Section 37 of the Act repealed N.J.S.A. 40A:11-51, the law that previously authorized counties, municipalities, independent authorities, fire districts, and boards of education to adopt additional local pay-to-play restrictions to further limit the award of public contracts to business entities making political contributions, and limited the contributions that individuals or entities awarded a contract can make during the term of the contract. The repeal is effective retroactive to January 1, 2023. As a matter of housekeeping, any local pay-to-play ordinances or resolutions originally authorized or grandfathered by N.J.S.A. 40A:11-51 that are currently in effect should be repealed.

Approved: Jacquelyn A. Suárez, Director

Document	Internet Address
Elections Transparency Act (P.L. 2023, c. 30)	https://pub.njleg.state.nj.us/Bills/2022/PL23/30/PDF
DL S Pay-to-Play webpage	https://www.nj.gov/dca/divisions/dlgs/programs/pay2play.html
ELEC Pay-to-Play webpage	https://www.elec.nj.gov/pay2play/p2p.html
c. 271 Political Contribution Disclosure Form	https://www.nj.gov/dca/divisions/dlgs/programs/lpcl/docs/politcontribdiscform.doc
Business Entity Disclosure Certif.	https://www.nj.gov/dca/divisions/dlgs/programs/lpcl/docs/p2pbusentdisccert.doc
Non-Fair Open Contract Award Resolution	https://www.nj.gov/dca/divisions/dlgs/programs/lpcl/docs/p2pnfoawardres.doc
Sample Contract Language - Non-Fair and Open	https://www.nj.gov/dca/divisions/dlgs/programs/lpcl/docs/p2pcontractlanguage.doc

Appendix

Lists of Agencies with Elected Officials Required for Political Contribution Disclosure N.J.S.A. 19:44A-20.26

<u>Atlantic</u>	<u>Bergen</u>	<u>Burlington</u>
<u>Camden</u>	<u>Cape May</u>	<u>Cumberland</u>
<u>Essex</u>	<u>Gloucester</u>	<u>Hudson</u>
<u>Hunterdon</u>	<u>Mercer</u>	<u>Middlesex</u>
<u>Monmouth</u>	<u>Morris</u>	<u>Ocean</u>
<u>Passaic</u>	<u>Salem</u>	<u>Somerset</u>
<u>Sussex</u>	<u>Union</u>	<u>Warren</u>

ARTICLE 2-59
Awarding of Public Professional Service Contracts

§ 2-59-1. Prohibition on Awarding Public Contracts to Certain Contributors.

- A. Any other provision of law to the contrary notwithstanding, the Borough or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional service provider, if that provider has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Borough of Hightstown candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Borough of Hightstown or Mercer County Party Committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or municipal officeholders, within one calendar year immediately preceding the date of the contract or agreement.
- B. No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Borough or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Borough of Hightstown candidate or holder of the public office within the Borough having ultimate responsibility for the award of the contract, or to any Borough of Hightstown or Mercer County Party Committee, or to any PAC that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or municipal officeholders between the time of first communications between that service provider and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- C. For purposes of this article, a "professional service provider" seeking a public contract means: an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a service provider includes all principals who own 1% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.
- D. For purposes of this article, the office that is considered to have ultimate responsibility for the award of the contract shall be:
- (1) The Borough of Hightstown Council, if the contract requires approval or appropriation from the Council or a public officer who is responsible for the award of a contract if that public officer is appointed by Council; or
 - (2) The Mayor of the Borough of Hightstown, if the contract requires the approval

§ 2-59-1

§ 2-59-4

of the Mayor or a public officer who is responsible for the award of a contract if that public officer is appointed by the Mayor; or

(3) Both Subsection D(1) and (2).

§ 2-59-2. Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional service provider to any Borough of Hightstown candidate for Mayor or Council, or municipal or county party committee or PAC referenced in this article shall be deemed a violation of this article, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution or agreement was made by the professional service provider prior to the effective date of this article.

§ 2-59-3. Contribution Statement by Professional Service Provider.

- A. Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional service provider, the Borough or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional service provider made under penalty of perjury that the bidder or offeror has not made a contribution in violation of § 2-59-1 hereof;
- B. The professional service provider shall have a continuing duty to report any violations of this article that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provisions of law.

§ 2-59-4. Penalty. [Ord. No. 2004-25]

- A. All Borough of Hightstown professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in § 2-59-1C, to violate § 2-59-1B, or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Mercer County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.
- B. Any professional service provider, as defined in § 2-33-1C, who knowingly fails to reveal a contribution made in violation of this article, or who knowingly makes or solicits contributions through an intermediary, including but not limited to a Mercer County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough of Hightstown contracts for a period of four calendar years from the date of the violation.

Chapter 13 Housing

Article 13-4 Additional Housing Standards for Rental Units

§ 13-4-11 Lead-Based Paint Inspection for Residential Rental Dwellings

A. Definitions.

BOROUGH CODE ENFORCEMENT OFFICER

The Borough Code Enforcement Housing Officer or designee.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to N.J.A.C 5:28A-2.3.

LEAD ABATEMENT

Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

LEAD ABATEMENT CONTRACTOR

A firm certified by the New Jersey Department of Health to perform lead abatement or interim control work pursuant to N.J.A.C 5:17.

LEAD ABATEMENT WORKER

An individual certified by the New Jersey Department of Health to perform lead abatement work pursuant to N.J.A.C 8:62.

LEAD-BASED PAINT

Paint or other surface coating material that contains lead in excess of 1.0 milligrams per centimeter squared or in excess of 0.5 percent by weight, or such other level as may be established by Federal law..

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present on surfaces that would result in adverse human health effects.

LEAD EVALUATION CONTRACTOR

A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

LEAD INSPECTOR/RISK ASSESSOR

An individual certified by the New Jersey Department of Health to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

LEAD-FREE CERTIFICATION

The certificate issued, in accordance with N.J.A.C. 5:17, which states that there is no lead-based paint or that the dwelling has undergone lead abatement, in accordance with N.J.A.C. 5:17.

LEAD-SAFE CERTIFICATION

The certification issued pursuant to N.J.A.C. 5:28A, which confirms that a periodic lead-based paint inspection was performed, and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance, in accordance with N.J.A.C. 5:28A-2.4.

LEAD FREE

A dwelling that has been found to have no outstanding lead-based paint hazards. It does not mean that the dwelling is certified to be lead free.

LEAD SAFE

A dwelling that has be found to have no outstanding lead-based paint hazards. It does not mean that the dwelling is certified to e lead free.

PERIODIC LEAD-BASED PAINT INSPECTION

The initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c. 182, (July 22, 2022)(N.J.S.A. 52:27D-437.6), or tenant turnover and , thereafter, the earlier of three years or upon tenant turnover, consistent with N.J.A.C 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this Article.

REMEDICATION

Interim controls or lead abatement work undertaken in conformance with this Article to address lead-based paint hazards.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit or the time at which a new tenant enters a vacant dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3.

B. Applicability.

- (1) All rental single-family, two-family, and multiple dwelling units must be inspected for lead-based paint hazards in accordance with this Article except for the following:
 - a. Dwellings constructed during or after 1978.
 - b. Single-family and two-family seasonal rental dwelling units that are rented for less than six months duration each year by tenants that do not have consecutive lease renewals.
 - c. Dwelling units that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17.
 - d. Multiple rental dwelling units constructed prior to 1978 that have been registered with the Department of Community Affairs for at least 10 years and have no outstanding paint violations from the most recent cyclical inspection.

C. Lead-Based Paint Inspections.

- (1) Initial Inspection. The owner shall have every dwelling unit as defined under this Article, inspected for lead-based paint hazards upon tenant turnover or within two years of the effective date of P.L. 2021, c.182, July 22, 2022, whichever is sooner.
- (2) Subsequent Inspection. After initial inspection, the owner shall have all such dwelling units inspected for lead-based paint hazards every three years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover, if the dwelling unit owner has a valid lead-safe certification for the dwelling unit.
- (3) Every owner of a dwelling unit subject to this Article shall be responsible for obtaining the required inspection. The owner is to directly hire and pay for the lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint. Inspections shall be conducted pursuant to N.J.A.C. 5:28A-2.3.
- (4) The Code Enforcement Office will provide a list of lead evaluation contractors certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq. to owners who request it.

D. Lead Safe Certificate.

If no lead-based paint hazards are identified upon inspection, the Licensed Lead Inspector/Risk Assessor or Contractor shall certify the dwelling as lead-safe on the form prescribed from the Department of Community Affairs.

(1) A lead-safe certificate shall be valid for two years from the date of issuance.

- a. If, during the two-year certification period, a lead evaluation contractor, lead inspector/risk assessor, or a local health department conducts an independent inspection or risk assessment and determines that there is lead-based paint hazard, the lead-safe certification issued pursuant to this Article in accordance with N.J.A.C. 5:28A shall be invalid.
- b. The lead-safe certification shall not exempt the dwelling from any other law that would require a lead inspection/risk assessment.

(2) A copy of the lead-safe certificate shall be filed with the Borough Code Enforcement Officer.

E. Identification of a Lead-Based Paint Hazard.

- (1) If lead-based paint hazards are identified upon inspection, the inspector shall notify the Department of Community Affairs for review of the findings, in accordance with the Lead Hazard Control Assistance Act.
- (2) If the lead-based paint hazard is identified in an inspection of one of the dwelling units in a building consisting of two or more dwelling units, then the lead contractor shall inspect the remainder of the building's dwelling units, with the exception of those dwelling units that have been certified to be free of lead-based paint or which have a valid lead-safe certification.

F. Responsibility for Remediation of Lead-Based Paint Hazards.

The owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation and any re-inspections required following remediation must be conducted consistent with N.J.A.C. 5:28A-2.5. Documentation of such remediation shall be provided to the Borough Code Enforcement Officer.

G. Owner Responsibility

- (1) The owner of the dwelling that is subject to this Article shall provide the tenant and Borough evidence of a valid lead-safe certification obtained pursuant to this Article at the time of tenant turnover. The owner shall also affix a copy of any such certification as an exhibit to the tenant's lease.

- (2) The owner of a multiple dwelling that is subject to this Article shall provide evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.
- (3) The owner of a dwelling that is subject to this Article shall maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if the inspection was conducted during a period of tenancy.
- (4) The owner of any dwelling subject to this Article shall inform the Borough Code Enforcement Officer of all tenant turnover activity to ensure any required inspection may be scheduled.
- (5) The owner of a dwelling shall provide a copy of this Article, and any lead-safe certifications issued pursuant thereto, along with the accompanying guidance document, "Lead-Based Paint in Rental Dwellings," to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

H. Violations and Penalties.

- (1) Pursuant to N.J.S.A. 52:27D-437.6 and N.J.A.C. 5-28A-4.1, the Borough Code Enforcement Officer is authorized to conduct investigations and issue penalties in order to enforce an owner's failure to comply with this Article.
- (2) A property owner/landlord shall comply with the requirements of P.L. 2021, c. 182 and this chapter. If a Borough Code Enforcement Officer determines that a property owner has failed to comply with the inspection requirements of this chapter, the property owner shall be given a thirty-day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated.
- (3) Any other violation of the provisions of this chapter shall be subject to a fine of not less than \$50 nor more than \$500 for each offense.