

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE**  
**COMBINED AGENDA - REGULAR MEETING**  
**January 26, 2021 – 8:00 PM Open Session**

The Municipal Building, 1 Collyer Ln., Basking Ridge, is open and will adhere to Executive Order #156 & #196. Indoor gatherings are limited to 25 percent of this room capacity or no more than 51 individuals. All attendees must wear face coverings and remain 6 feet apart. The meeting will be live streamed and can be found by clicking on the “Watch a Meeting Live” icon on the home page, [www.bernards.org](http://www.bernards.org) and can also be viewed live on Optimum/Cablevision TV - Channel 15 and Verizon FiOS TV - Channel 35.

Estimated  
Times

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**A G E N D A**

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8:00 PM

1. **CALL TO ORDER** Video
2. **FLAG SALUTE**
3. **MAYOR’S OPENING MEETING STATEMENT**
4. **ROLL CALL**
5. **EXECUTIVE SESSION**

8:05 PM

6. **PUBLIC WORK SESSION**
  - A. Memo dated 01/11/2021 from Dave Schley - Proposed Ordinance Amendment - Village Center Standards in the PUD-5 Zone
  - B. DEP Model Stormwater Control Ordinance for Municipalities - Tom Timko

8:20 PM

7. **REPORTS**
8. **CORRESPONDENCE**
9. **PUBLIC COMMENT**
10. **TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS**
11. **FIRE & RESCUE APPOINTMENT**
12. **UNFINISHED BUSINESS**
  - A. ORDINANCE #2458 -Accepting a Wetlands Conservation Easement and a Detention Basin, Drainage & Access Easement on Property Located at Crown Court Drive; Block 8501, Lots 7 and 9 from Crown Court Associates LLC to the Township of Bernards - Public Hearing
  - B. ORDINANCE #2459 - An Ordinance of the Township of Bernards to Set Calendar Year 2021 Appropriation Limits and to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14 – Public Hearing

8:35 PM

13. **NEW BUSINESS**
  - A. Consent Agenda  
*The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.*

Estimated  
Times



Please call 24 hours in advance (908) 204-3001  
if accommodations are required, including assistive listening devices (ALD).

- 1) Resolution #2021-0099 - Approval of the Bill List Dated 01/26/2021
- 2) Resolution #2021-0100 – Authorization for Tax Refund
- 3) Resolution #2021-0101 - Award of Change Order #1 for the 2019 NJDOT Local Aid Project: North Maple Avenue Improvements to American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, NJ 07032 Decrease of \$88,951.40 (13.54%)
- 4) Resolution #2021-0102 - Acceptance of Basking Ridge Fire Company #1 and First Aid Squad of the Basking Ridge Fire Company #1, 2020 Annual Report, Adoption of the By-Laws, and Acknowledgement of 2021 Membership Roster
- 5) Resolution #2021-0103 - Extension of Resolution #2020-0261 of the Annual Electronic Commuter Parking Permit Expiring 02/28/2021 to a New Expiration Date of 08/31/2021
- 6) Resolution #2021-0104 - Approving the Person-to-Person Transfer of Liquor License #1802-33-004-007 3B, LLC (t/a The Vine) to Tropokos, LLC
- 7) Resolution #2021-0105 - Authorizing and Approving Purchase of one (1) 2021 Jeep Renegade (BVJL74) Sport 4X4 from Educational Services Commission of NJ, ESC CO-OP #65MCESCCPS-ESCNJ 20/21-09 to Beyer of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960 In the Amount Not to Exceed \$25,211.10
- 8) Resolution #2021-0106 – Personnel Appointment Joseph Shreve – Laborer – Department of Public Works
- 9) Resolution #2021-0107 – Personnel Appointment Marc Chisholm – Equipment Operator – Public Works Department
- 10) Resolution #2021-0108 – Personnel Appointment Danielle Gaebele – Administrative Associate – Tax Collector/Finance
- 11) Resolution #2021-0109 – Personnel Appointment Stephen Sant’ Angelo – Truck Driver – Public Works Department
- 12) Resolution #2021-0110 - Acceptance of the Construction Official’s 2020 Annual Report
- 13) Resolution #2021-0111 - Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Deborah J. Appleton, 3309 Balsam Way, Block 9001, Lot 33.02 in the Amount of Seven Thousand Six Hundred Forty-Three (\$7,643.00) Dollars

**B. Appointments:**

- 1) Appointment made by Township Committee:  
Diversity and Inclusion Committee – John Coelho as Chairperson, 1 yr. term expiring 12/31/2021
- 2) Mayoral Appointment with Township Committee Consent:  
Library Board of Trustees – Emily Johnston, RM, term expiring 12/31/2025
- 3) Mayoral Appointment:  
Environmental Commission - John Crane, filling the unexpired 3 yr. term of Emily Johnston, expiring 12/31/2022.

**C. Approval of Minutes:**

01/05/2021 Open Session Minutes  
01/12/2021 Open Session Minutes and 01/12/2021 Closed Session Minutes

**14. PUBLIC COMMENT**

**15. ADJOURNMENT**


Rhonda Pisano Municipal Clerk



Please call 24 hours in advance (908) 204-3001  
if accommodations are required, including assistive listening devices (ALD).

**TOWNSHIP OF BERNARDS  
DEPARTMENT OF ENGINEERING SERVICES  
MEMO**

To: Rhonda Pisano, RMC/CMC  
Municipal Clerk

From: David Schley, PP, AICP   
Township Planner

Date: January 11, 2021

Subject: Proposed Ordinance Amendment - Village Center Standards in the PUD-5 Zone

In a letter dated July 2, 2020, James T. Kyle, PP, on behalf of property owner S/K Allen Road Associates, LLC, outlined various requested amendments to the zoning requirements applicable to Highlands Village Center on Allen Road in The Hills. At their September 29, 2020 meeting, the Township Committee found that the requested amendments warranted further consideration. The enclosed draft ordinance addresses the requested amendments as follows:

1. Recognizing that Highlands Village Center has experienced a greater demand for retail service and child care uses (as opposed to office uses), the proposed ordinance amendment eliminates an existing requirement that limits retail uses to 75% of the total retail/office floor area, and relaxes an existing requirement that limits child day care facilities to 7,500sf of floor area. Both of these restrictions are unique to Highlands Village Center and have hindered occupancy of existing floor area by new tenants. Several approvals to exceed these restrictions were previously granted by the Planning Board and the Board of Adjustment. The proposed ordinance amendment makes the usage restrictions applicable to Highlands Village Center more consistent with the restrictions applicable to the Township's other retail centers, where land use board approvals are not required to allow changes in occupancy for permitted retail and child care uses. As a result of the prior land use board approvals, retail uses presently occupy 81.7% of the center's total retail/office floor area, and child care uses presently occupy 13,858sf of floor area. The proposed ordinance amendment increases the allowable child care floor area by 1,642sf, to a maximum of 15,500sf, which is approximately 25% of the total floor area of the center.
2. S/K Allen Road Associates requested that a variety of specific uses be added to the list of uses presently permitted in the center. Most of the requested specific uses are already permitted because they fall under a broader permitted use category, such as "retail sales and services" or "general offices." These permitted uses include nutrition/health food stores, convenience stores, produce markets, consignment shops, dry cleaners, hair/nail salons, professional offices, medical/dental offices, veterinary offices, educational/instructional uses,

dance/art studios, indoor recreation/escape rooms, bakeries, coffee shops, and various fitness uses. No ordinance changes are necessary to allow these uses, and it is recommended that no additions or clarifications be made to the existing list of uses permitted in the PUD-5 Zone without making the same changes in the other zones where these specific uses are also permitted. The proposed ordinance amendment does add “banks and other financial institutions” to the list of permitted uses. Banks are not included under a broader permitted use category, and this change is necessary to recognize that the existing bank building was approved by the Planning Board as a permitted use in 1998.

3. Some of the uses requested by S/K Allen Road Associates to be permitted are presently prohibited. This includes winery, brewery and distillery uses, pet boarding facilities, and drive-through restaurants. These uses are for the most part also prohibited in the Township’s other retail center zones. It is suggested that any consideration to allow these uses in the PUD-5 Zone should be part of a broader study to consider whether they should be permitted in any of the Township’s zoning districts. Given that the Planning Board is in the process of updating the Township Master Plan, S/K Allen Road Associates may wish to ask the Planning Board to consider this request in conjunction with the Master Plan update.
4. Though not directly related to S/K Allen Road Associates’ request, the proposed ordinance amendment addresses the following “housekeeping” items:
  - A. The proposed amendment eliminates the first floor retail requirement set forth in §21-84.11.b.9(b). This existing requirement does not apply because the center is comprised of only one-story buildings.
  - B. The proposed amendment replaces the term “day care facilities” with “child-care centers”, consistent with the terminology used in the rest of the Land Development Ordinance.

Do not hesitate to contact me at (908) 204-3004 or dschley@bernards.org if you have any questions.

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# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## EXPLANATORY STATEMENT

This ordinance amends the zoning requirements applicable to Highlands Village Center, which is located on Allen Road in The Hills development. The primary purpose of this ordinance is to loosen two restrictions that are unique to Highlands Village Center and have hindered occupancy of existing floor area by new tenants. Recognizing that Highlands Village Center has experienced a greater demand for retail service and child care uses (as opposed to office uses), this ordinance amendment eliminates an existing requirement that limits retail uses to 75% of the total retail/office floor area of the center, and relaxes an existing requirement that limits child day care facilities to 7,500sf of floor area.

Several approvals to exceed these existing restrictions were previously granted by the Planning Board and the Board of Adjustment. By allowing more of the total floor area to be occupied by retail and child care uses, the usage restrictions applicable to Highlands Village Center will be more consistent with the restrictions applicable to the Township's other retail centers, where land use board approvals are not required to allow changes in occupancy for permitted retail and child care uses.

This ordinance amendment also adds banks to the list of permitted uses, recognizing that the existing bank building was approved by the Planning Board as a permitted use in 1998, and eliminates the first floor retail requirement set forth in §21-84.11.b.9(b), which does not apply because the center is comprised of only one-story buildings. Also, the term "day care facilities" is replaced with "child-care centers" to be consistent with the rest of the Land Development Ordinance.

David Schley, PP, AICP, Township Planner

## ORDINANCE # \_\_\_\_\_

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,  
Amending, Revising and Supplementing the Code of the Township of Bernards,  
Chapter 21, "Revised Land Use Ordinances", Regarding  
Village Center Standards in the PUD-5 Mt. Laurel Option Zone

**BE IT ORDAINED** by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, entitled "Land Development," Section 21-84, entitled "Regulations Applicable to PUD-5 Mt. Laurel Option," of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

**Part I.** Existing § 21-84.2, "Maximum Number of Units and Size of Nonresidential Uses Permitted in PUD-5 Zone," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

**§ 21-84.2. Maximum Number of Units and Size of Nonresidential Uses Permitted in PUD-5 Zone. [Ord. #1004, § 7]**

- a. The maximum number of dwelling units shall be 1,893.
- b. Total nonresidential uses are limited to 50,000 square feet of retail sales of goods and services, general offices and/or country inn uses. Post office(s) shall be limited to 5,000 square feet.

- c. A twenty-seven-hole golf course, fifty-thousand-square-foot clubhouse, ten-thousand-square-foot maintenance facility and snackbar/halfway houses up to 2,500 square feet.
- d. In addition to the uses listed in Paragraphs a, b and c above, religious facilities, ~~a seven-thousand-five hundred square foot day care center~~ child-care centers (both located within the retail center area), recreation facilities for residents and park and ride lot are permitted.

**Part II.** Existing § 21-84.11, "Village Center Standards," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

**§ 21-84.11. Village Center Standards. [Ord. #1004, § 7; Ord. #1143]**

- a. Intent and Purpose of Commercial Development. The proposed commercial development shall be based on an overall design plan submitted as part of either a general development plan or a preliminary site plan. The commercial development should provide an integrated design and arrangement of buildings, taking into consideration building scale, building massing, open space, and usage. For the commercial area (excluding the golf course area), the intent is to create a "village center." The plan submitted for Planning Board review should include the following information:
  - 1. Proposed building architecture;
  - 2. Proposed building construction and materials; and
  - 3. Proposed landscape plan, street furniture, lighting and other aspects of the center.
- b. Standards for Review.
  - 1. All individual lots shall have access to a public street.
  - 2. A landscaped buffer shall be provided on commercial property located contiguous to residential areas. Such buffer shall be a minimum of 25 feet in depth and shall be landscaped and mounded to provide a solid evergreen screen.
  - 3. Performance Standards. No commercial use shall create glare, heat, noise, odor, or physical vibrations, perceptible at the Village Center property line.
  - 4. If the commercial building is not connected by common roofline, then individual buildings must be separated by at least 20 feet or minimum BOCA requirements, whichever is more.
  - 5. Off-street parking and loading shall be in accordance with Section 21-22 except that parking may be provided in the front yard area if suitably screened and in accordance with overall approved plan.
  - 6. Permitted Uses.
    - (a) Retail sales of goods and services, liquor stores. **[Ord. #1466, 5-15-2001, amended]**
    - (b) General offices.
    - (c) Country inn.
    - (d) One dwelling within a building which also contains a business use.
    - (e) Restaurants, but not drive-in restaurants.
    - (f) Park and ride facilities.
    - (g) Health clubs.

- (h) ~~Day-care facilities~~Child-care centers, not exceeding ~~7,500~~15,500 square feet.
- (i) Post offices, not exceeding 5,000 square feet.
- ~~(j)~~ Religious facilities, not exceeding 10,000 square feet.
- ~~(j)(k)~~ Banks and other financial institutions.

7. Accessory Uses.

- (a) Accessory uses customarily incidental to the above permitted uses.

8. Bulk and Yard Requirements:

- (a) Maximum FAR: N/A.
- (b) Maximum Village Center area (tract) coverage: 75%.
- (c) Maximum height: 35 feet.
- (d) Minimum lot width: N/A.
- (e) Minimum frontage: N/A.
- (f) Minimum lot size: N/A.
- (g) Minimum building setback to residential property line: 50 feet.
- (h) Minimum parking setback to residential property line: 25 feet.
- (i) Minimum distance between building and common parking: 10 feet.
- (j) Building setback from curb: 20 feet.

9. Retail/Office/Country Inn Mix.

- (a) A maximum of 50,000 square feet of retail/general office/country inn uses shall be permitted with ~~no more than 75% of the space occupied by retail uses~~ and no less than 50% of the space occupied by retail uses.
- ~~(b) The maximum 50,000 square feet of retail/general office uses shall be contained in building(s) in which a minimum of two-thirds (2/3) of the first floor is occupied by retail uses. This restriction shall not apply to country inns.~~

10. Exceptions.

- (a) Maximum lot coverage standards shall not apply to any park and ride facility. Instead, any park and ride facility shall be designed to assure sufficient drainage on and off the site. A minimum of 10% of interior parking areas shall be landscaped.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.



# APPENDIX D: MODEL STORMWATER CONTROL ORDINANCE FOR MUNICIPALITIES

**Important Notes:** *This sample ordinance is provided to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8, adopted March 2, 2020. It is provided for information purposes only. It is important that amended rules are carefully reviewed before any portion of this draft ordinance is adopted.*

*This sample ordinance represents the minimum standards and expectations, except where noted otherwise. It is the goal of stormwater management to minimize pollution caused by stormwater in order to restore, enhance and maintain the integrity of waters of the State. Federal, as well as, State water pollution laws permit municipalities to undertake additional actions including ordinances with standards stronger than the statewide minimum requirements. Under New Jersey Municipal Separate Storm Sewer System Permits (MS4), the stormwater program may also include Optional Measures (OMs), that prevent or reduce the pollution of the waters of the State. A municipality may choose these stronger or additional measures in order to address local water quality and flooding conditions as well as other environmental and community needs. For example, municipalities may choose to define “major development” with a smaller area of disturbance and/or smaller area of regulated impervious cover or regulated motor vehicle surface; apply stormwater requirements to both major and minor development; and/or require groundwater recharge, when feasible, in urban redevelopment areas.*

*Although this model ordinance does include a section on penalties, it is entirely optional for a municipality to include this section and therefore, this section does not establish any monetary values. The Department expects that the review of development applications under this ordinance would be an integral part of the municipal review of developments. As a result, the costs to municipalities of reviewing development applications under this ordinance could be defrayed by fees charged for review under N.J.S.A. 40:55D-8.b.*

*Notes are provided in italics throughout this model stormwater control ordinance and are not intended to be adopted as part of the ordinance. Where non-italicized text is bounded in a rectangular border, the text inside that boundary is the sample ordinance language.*

*An editable Word version of this model ordinance is available online at:*

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



## Sample Municipal Stormwater Control Ordinance

### **Ordinance #[insert number] – Stormwater Control**

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

##### **A. Policy Statement**

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

##### **B. Purpose**

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

##### **C. Applicability**

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

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

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

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

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

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

1. A county planning agency or

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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

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

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

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

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

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

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

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

*(continued on the next page)*

## Ordinance #[insert number] – Stormwater Control

*earlier*}; or

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control**

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

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

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control**

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

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

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

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

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

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

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

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

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

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

*(continued on the next page)*



## **Ordinance #[insert number] – Stormwater Control**

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

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

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

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

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

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

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

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

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

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

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

**Section IV. Stormwater Management Requirements for Major Development**

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

*(continued on the next page)*

**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-15)*

*(continued on the next page)*

**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-15)*

*(continued on the next page)*

**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

Notes to Tables 1, 2, and 3:

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have

*(continued on the next page)*

**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

### **O. Green Infrastructure Standards**

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

**P. Groundwater Recharge Standards**

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

*(continued on the next page)*

**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

**Q. Stormwater Runoff Quality Standards**

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

*(continued on the next page)*



**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

Where

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

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

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

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

**R. Stormwater Runoff Quantity Standards**

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

*(continued on the next page)*

### **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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/gsr32.pdf>

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

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

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

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

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

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

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

*(continued on the next page)*

## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration

**Section IX. Requirements for a Site Development Stormwater Plan:**

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

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## **Ordinance #[insert number] – Stormwater Control** *(continued)*

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

The following information shall be required:

#### **1. Topographic Base Map**

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

#### **2. Environmental Site Analysis**

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

#### **3. Project Description and Site Plans**

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

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

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

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## **Ordinance #[insert number] – Stormwater Control** *(continued)*

### **5. Stormwater Management Facilities Map**

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

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

### **6. Calculations**

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

### **7. Maintenance and Repair Plan**

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

### **8. Waiver from Submission Requirements**

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

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## **Ordinance #[insert number] – Stormwater Control** *(continued)*

### **Section X. Maintenance and Repair:**

#### **A. Applicability**

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

#### **B. General Maintenance**

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

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

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

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

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

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

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**Ordinance #[insert number] – Stormwater Control** *(continued)*

**Section XI. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

*{Municipality to specify}*

**Section XII. Severability:**

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

**Section XIII. Effective Date:**

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

ALL OF WHICH IS ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the  
\_\_\_\_\_.



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **ORDINANCE #2458**

Accepting a Wetlands Conservation Easement and a  
Detention Basin, Drainage & Access Easement on  
Property Located at Crown Court Drive; Block 8501, Lots 7 and 9  
from Crown Court Associates LLC to the Township of Bernards

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Crown Court Associates LLC, with a mailing address at 820 Morris Turnpike, Short Hills, New Jersey, 07078, a Wetlands Conservation Easement and a Detention Basin, Drainage & Access Easement on Block 8501, Lots 7 and 9, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

### **EXPLANATORY STATEMENT**

These easement are provided in conjunction with a site plan approved by the Planning Board on March 5, 2019 (Application #PB18-004). The site plan approval allows the construction of a 24-unit inclusionary apartment building. The purpose of the Wetlands Conservation Easement is to protect wetlands and wetlands transition areas located on the property. The purpose of the Detention Basin, Drainage & Access Easement is to provide for proper maintenance of the stormwater management facilities. The grantor maintains an escrow account with the Planning Board to reimburse the Township for costs incurred in the processing of these easements.

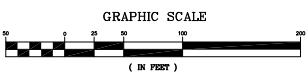
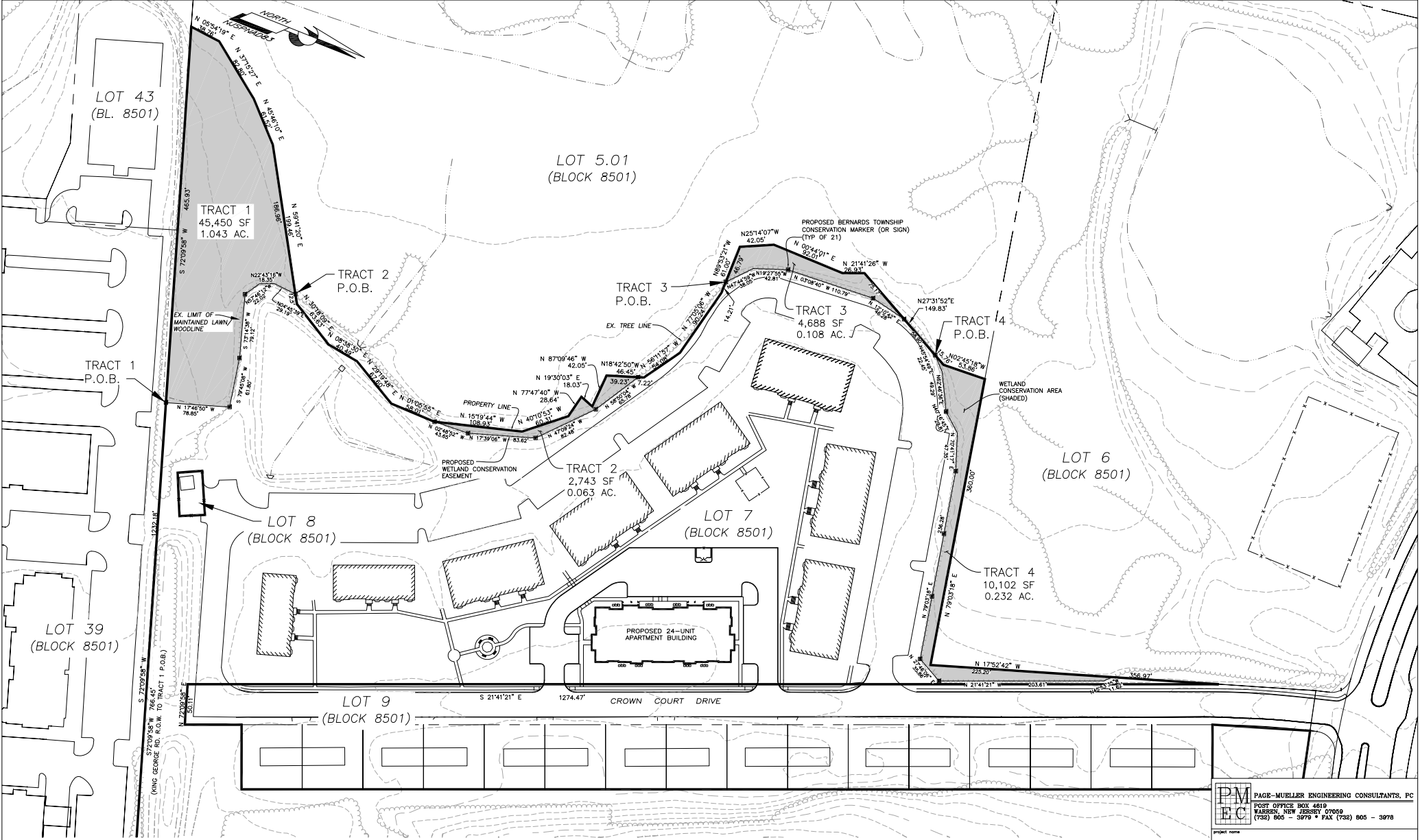
Date:

David Schley, PP, AICP, Township Planner


### **TOWNSHIP OF BERNARDS PUBLIC NOTICE**

Ordinance #2458 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 01/12/2021 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 01/26/2021 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board [www.bernards.org](http://www.bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk

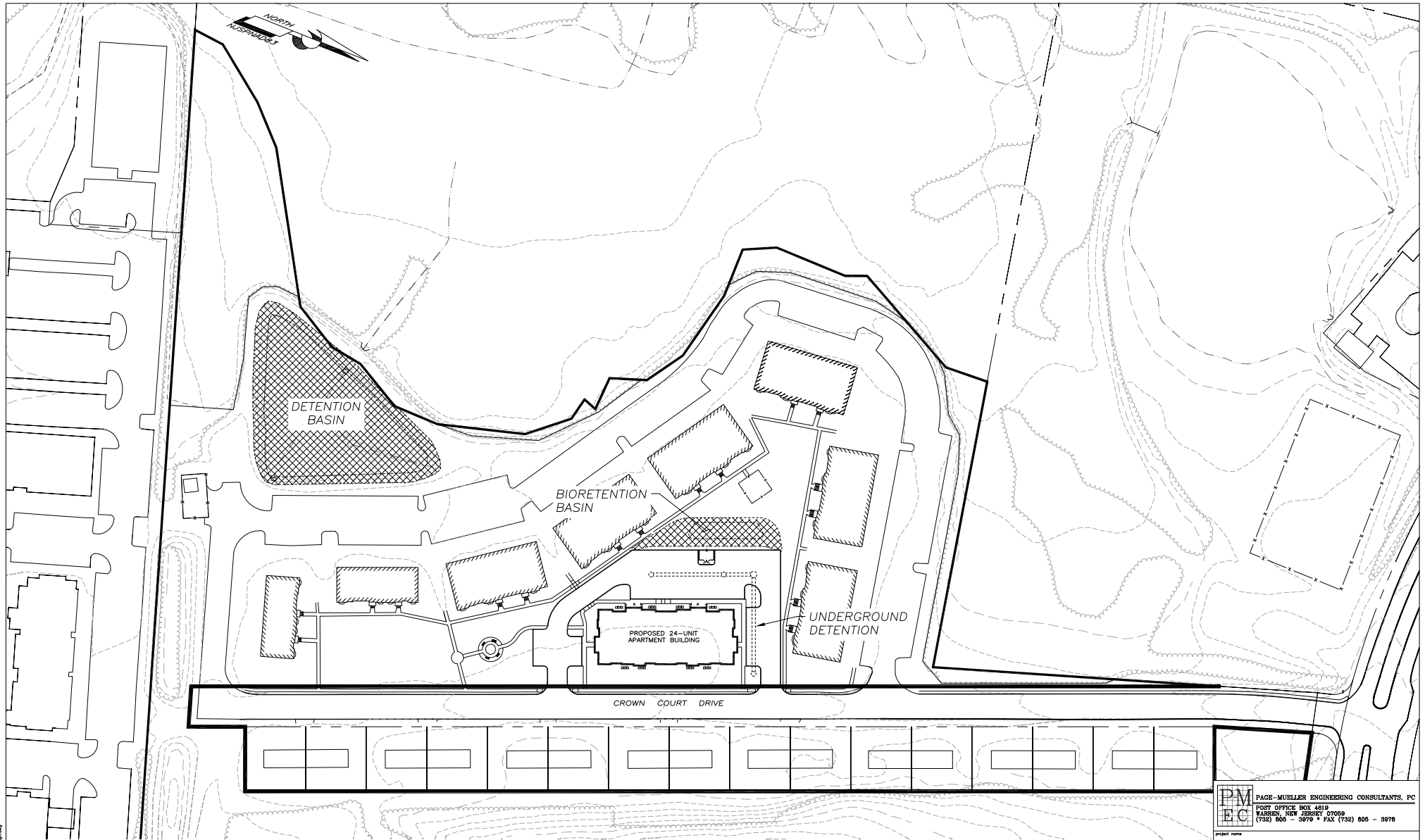



REFERENCE:  
1. EXISTING BOUNDARY ACQUIRED FROM AN EXISTING CONDITIONS  
SURVEY PREPARED BY KENNON SURVEYING SERVICES INC.,  
DATED 3/5/19.

|  |                          |                              |                        |
|--|--------------------------|------------------------------|------------------------|
|  <b>PAGE-MUELLER ENGINEERING CONSULTANTS, PC</b><br>POST OFFICE BOX 4619<br>WARREN, NEW JERSEY 07059<br>(732) 805 - 3979 • FAX (732) 805 - 3978 |                          |                              |                        |
| project name<br><b>CROWN COURT<br/>BLOCK 8501: LOTS 7 &amp; 9<br/>(TAX MAP SHEET 85)<br/>BERNARDS TOWNSHIP, SOMERSET COUNTY, NJ</b>  |                          |                              |                        |
| drawing name<br><b>WETLAND CONSERVATION<br/>EASEMENT PLAN</b>  |                          | drawing no.<br><b>1 OF 1</b> |                        |
| drawn by<br><b>CAM/RW</b>  | checked by<br><b>CAM</b> | date<br><b>5/16/19</b>       | scale<br><b>N.T.S.</b> |
| project no.<br><b>1494-020</b>   |                          |                              |                        |

REVISED 7/15/19 - PER TOWNSHIP COMPLIANCE REVIEW





|   |  |                                |                        |
|---|--|--------------------------------|------------------------|
|  | <b>PAGE-MUELLER ENGINEERING CONSULTANTS, PC</b><br>POST OFFICE BOX 4819<br>WALDEN, NEW JERSEY 07059<br>(732) 805 - 3970 • FAX (732) 805 - 3978                 |                                |                        |
|   | project name<br><b>CROWN COURT<br/>         BLOCK 8501: LOTS 7 &amp; 9<br/>         (TAX MAP SHEET 85)<br/>         BERNARDS TOWNSHIP, SOMERSET COUNTY, NJ</b> |                                |                        |
| drawing name<br><b>STORMWATER<br/>         FACILITIES MAP</b>                         | drawing no.<br><b>1 OF 1</b>   |                                |                        |
| drawn by<br><b>CAM/RW</b>   | checked by<br><b>CAM</b>   | date<br><b>5/16/19</b>         | scale<br><b>N.T.S.</b> |
|   |  | project no.<br><b>1494-020</b> |                        |



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## ORDINANCE #2459

An Ordinance of the Township of Bernards to Set Calendar Year 2021 Appropriation Limits  
And to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its Calendar Year 2021 Budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Bernards in the County of Somerset finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee hereby determines that a 2.5 % increase in the budget for said year, amounting to \$698,582.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and may be necessary; and

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Bernards, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Bernards shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, may be increased up to 3.5 %, amounting to no more than \$978,015.36, and that the CY 2021 municipal budget for the Township of Bernards be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

### EXPLANATORY STATEMENT

This ordinance is an annual housekeeping item that will allow for 2021 "inside the cap" budget appropriations to be increased by more than the 1.0% that the state allows for the current year. This does not mean that the 2021 budget will be increased by this amount but will allow us to "bank" any unused cap money for use in either of the next two succeeding years. This does not affect the calculation of the 2% Levy Cap.

Sean McCarthy, CFO  
1/4/2021

**TOWNSHIP OF BERNARDS**  
**PUBLIC NOTICE**

Ordinance #2459 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 01/12/2021 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 01/26/2021 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board [www.bernards.org](http://www.bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2021-0099 Approval of the Bill List Dated 1/26/2021

**BE IT RESOLVED**, that the bill list dated 01/26/2021 be audited, and if found correct, be paid.

|        |          |       |                                |              |                     |
|--------|----------|-------|--------------------------------|--------------|---------------------|
| 127409 | 01/26/21 | 90227 | SHIMSKY, MICHAEL               | 714.64       | 1561 Direct Deposit |
| 127410 | 01/26/21 | 90327 | MCKNIGHT, ALEX                 | 3,773.35     | 1561 Direct Deposit |
| 127411 | 01/26/21 | 90504 | COWELL, TRICIA                 | 53.97        | 1561 Direct Deposit |
| 127412 | 01/26/21 | 90597 | WALLACE, RYAN                  | 62.50        | 1561 Direct Deposit |
| 127413 | 01/26/21 | 90656 | CASACUBERTA, JORGE L           | 26.50        | 1561 Direct Deposit |
| 127414 | 01/26/21 | 90677 | BEGRAFT, GERALYN               | 749.76       | 1561 Direct Deposit |
| 127415 | 01/26/21 | A0453 | AMAZON.COM                     | 817.59       | 1561 Direct Deposit |
| 127416 | 01/26/21 | B0203 | DIFRANCESCO BATEMAN, PC        | 7,446.64     | 1561 Direct Deposit |
| 127417 | 01/26/21 | B0556 | BRT TECHNOLOGIES, LLC          | 1,750.00     | 1561 Direct Deposit |
| 127418 | 01/26/21 | D0339 | DEER CARCASS REMOVAL SVC, LLC  | 50.00        | 1561 Direct Deposit |
| 127419 | 01/26/21 | E0267 | EAW SECURITY                   | 15,137.70    | 1561 Direct Deposit |
| 127420 | 01/26/21 | F0384 | FLEMINGTON CHEVROLET BUICK     | 59.95        | 1561 Direct Deposit |
| 127421 | 01/26/21 | M0830 | MOTT MACDONALD LLC             | 5,203.90     | 1561 Direct Deposit |
| 127422 | 01/26/21 | P0706 | PARTS AUTHORITY LLC            | 31.52        | 1561 Direct Deposit |
| 127423 | 01/26/21 | S0016 | STORR TRACTOR COMPANY          | 308.36       | 1561 Direct Deposit |
| 127424 | 01/26/21 | S0443 | STAPLES ADVANTAGE              | 46.02        | 1561 Direct Deposit |
| 127425 | 01/26/21 | T0378 | THE GUARDIAN LIFE INS CO OF AM | 179.82       | 1561 Direct Deposit |
| 127426 | 01/26/21 | U0079 | US SPORTS INSTITUTE, INC.      | 20,865.00    | 1561 Direct Deposit |
| 127427 | 01/26/21 | V0020 | VILLAGE OFFICE SUPPLY          | 199.39       | 1561 Direct Deposit |
| 127428 | 01/26/21 | W0339 | W.B. MASON                     | 35.55        | 1561 Direct Deposit |
| 127429 | 01/26/21 | A0126 | AFLAC NEW YORK                 | 230.50       | 1562                |
| 127430 | 01/26/21 | A0168 | ALLIED OIL COMPANY, LLC        | 7,176.52     | 1562                |
| 127431 | 01/26/21 | A0250 | AMBASSADOR MEDICAL SERVICES    | 250.00       | 1562                |
| 127432 | 01/26/21 | A0338 | AFLAC                          | 396.52       | 1562                |
| 127433 | 01/26/21 | A0398 | STERLING TALENT SOLUTIONS      | 90.90        | 1562                |
| 127434 | 01/26/21 | A0623 | ACCOUNTING RESEARCH &          | 220.00       | 1562                |
| 127435 | 01/26/21 | A0694 | ALVAREX, MAX                   | 250.00       | 1562                |
| 127436 | 01/26/21 | A0701 | AMERICAN ASPHALT & MILLING SVC | 35,087.99    | 1562                |
| 127437 | 01/26/21 | B0001 | BAKER & TAYLOR, INC.           | 3,233.33     | 1562                |
| 127438 | 01/26/21 | B0024 | BEN SHAFFER RECREATION INC     | 252.95       | 1562                |
| 127439 | 01/26/21 | B0026 | BERNARDS TOWNSHIP CURRENT      | 4,462.19     | 1562                |
| 127440 | 01/26/21 | B0028 | BERNARDS TWP. SEWERAGE AUTH.   | 885.76       | 1562                |
| 127441 | 01/26/21 | B0029 | BERNARDS TWP BD OF EDUCATION   | 7,832,137.00 | 1562                |
| 127442 | 01/26/21 | B0034 | BERNARDS TOWNSHIP PAYROLL ACCT | 533,992.42   | 1562                |
| 127443 | 01/26/21 | B0241 | BANISCH ASSOCIATES, INC.       | 1,834.65     | 1562                |
| 127444 | 01/26/21 | B0690 | BIBLIOTHECA LLC                | 1,877.11     | 1562                |
| 127445 | 01/26/21 | B0829 | BOCCHINO, FELICE S             | 3,632.05     | 1562                |
| 127446 | 01/26/21 | C0024 | GANNETT NEW JERSEY NEWSPAPERS  | 18.06        | 1562                |
| 127447 | 01/26/21 | C0482 | OPTIMUM                        | 8.33         | 1562                |
| 127448 | 01/26/21 | C0482 | OPTIMUM                        | 44.95        | 1562                |
| 127449 | 01/26/21 | C0597 | CLIFFSIDE BODY CORPORATION     | 904.91       | 1562                |
| 127450 | 01/26/21 | C0669 | COLLEEN A MCCARTHY             | 7,643.00     | 1562                |
| 127451 | 01/26/21 | C0887 | CREATIVE WISDOM WELLNESS       | 150.00       | 1562                |
| 127452 | 01/26/21 | C0915 | CHEN, AIJUN OR HUYNH, PAUL     | 1,816.21     | 1562                |
| 127453 | 01/26/21 | D0020 | DELTA DENTAL OF NJ             | 12,177.79    | 1562                |
| 127454 | 01/26/21 | E0224 | EXCELLENT BUILDING SERVICES    | 9,744.00     | 1562                |
| 127455 | 01/26/21 | F0324 | FLAGSHIP DENTAL PLANS          | 287.71       | 1562                |
| 127456 | 01/26/21 | F0330 | FIDELITY SECURITY LIFE INS     | 266.97       | 1562                |
| 127457 | 01/26/21 | F0377 | FARKAS, JOEL                   | 100.00       | 1562                |
| 127458 | 01/26/21 | F0425 | FORTUNA TITILE LLC             | 3,866.72     | 1562                |
| 127459 | 01/26/21 | G0066 | GRAINGER INC                   | 392.15       | 1562                |
| 127460 | 01/26/21 | G0098 | JCP&L                          | 17,408.45    | 1562                |
| 127461 | 01/26/21 | G0202 | GRASS ROOTS TURF PRODUCTS, INC | 627.30       | 1562                |
| 127462 | 01/26/21 | G0300 | GOLD TYPE BUSINESS MACHINES    | 198.00       | 1562                |
| 127463 | 01/26/21 | G0509 | GREEN ROCK RECYCLING           | 1,400.00     | 1562                |
| 127464 | 01/26/21 | H0178 | HOSE SHOP, INC.                | 194.90       | 1562                |
| 127465 | 01/26/21 | H0297 | DIRECT ENERGY BUSINESS         | 3,660.34     | 1562                |
| 127466 | 01/26/21 | I0137 | INTERSTATE WASTE SERVICES NJ   | 1,586.00     | 1562                |
| 127467 | 01/26/21 | J0025 | MEEKER SHARKEY & HURLEY        | 600.00       | 1562                |
| 127468 | 01/26/21 | K0177 | KEARNS, VIRGINIA & WILLIAM     | 3,000.00     | 1562                |
| 127469 | 01/26/21 | K0259 | KONICA MINOLTA PREMIER FINANCE | 108.92       | 1562                |
| 127470 | 01/26/21 | K0331 | KONICA PREMIER FINANCE         | 221.48       | 1562                |
| 127471 | 01/26/21 | K0334 | KONICA MINOLTA BUSINESS        | 13.10        | 1562                |
| 127472 | 01/26/21 | L0485 | LIPSCOMB, RHONDA               | 175.00       | 1562                |
| 127473 | 01/26/21 | M0015 | MCKESSON MEDICAL SURGICAL      | 212.70       | 1562                |
| 127474 | 01/26/21 | M0016 | MORRIS-UNION FEDERATION        | 250.00       | 1562                |
| 127475 | 01/26/21 | M0292 | MUNCO OF NJ                    | 75.00        | 1562                |
| 127476 | 01/26/21 | M0493 | MCELROY, DEUTSCH, MULVANEY &   | 4,281.91     | 1562                |
| 127477 | 01/26/21 | M0899 | MR JOHN                        | 65.00        | 1562                |
| 127478 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 79.70        | 1562                |
| 127479 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 61.06        | 1562                |
| 127480 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 390.83       | 1562                |
| 127481 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 40,250.56    | 1562                |
| 127482 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 319.00       | 1562                |
| 127483 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 22.96        | 1562                |
| 127484 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 179.40       | 1562                |
| 127485 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 124.44       | 1562                |
| 127486 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 15.56        | 1562                |
| 127487 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 457.43       | 1562                |
| 127488 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 22.96        | 1562                |
| 127489 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 205.83       | 1562                |
| 127490 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 15.56        | 1562                |
| 127491 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 168.84       | 1562                |
| 127492 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 22.96        | 1562                |

|        |          |       |                                |            |      |
|--------|----------|-------|--------------------------------|------------|------|
| 127493 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 38.86      | 1562 |
| 127494 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 38.86      | 1562 |
| 127495 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 302.03     | 1562 |
| 127496 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 792.80     | 1562 |
| 127497 | 01/26/21 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 183.64     | 1562 |
| 127498 | 01/26/21 | N0023 | TREASURER, STATE OF NEW JERSEY | 12,198.00  | 1562 |
| 127499 | 01/26/21 | N0053 | NJ UNEMPLOYMENT COMP. FUND     | 6,953.18   | 1562 |
| 127500 | 01/26/21 | N0083 | NJRPA                          | 450.00     | 1562 |
| 127501 | 01/26/21 | N0102 | NJ MOTOR VEHICLE COMMISSION    | 150.00     | 1562 |
| 127502 | 01/26/21 | N0126 | NJ DEPT. OF COMMUNITY AFFAIRS  | 90.00      | 1562 |
| 127503 | 01/26/21 | N0333 | NJ PUBLIC SAFETY ACCRED COAL   | 300.00     | 1562 |
| 127504 | 01/26/21 | O0135 | OUTHOUSE LLC                   | 400.00     | 1562 |
| 127505 | 01/26/21 | P0437 | POS PAPER.COM                  | 164.85     | 1562 |
| 127506 | 01/26/21 | P0534 | PLUG 'N PAY TECHNOLOGIES, INC. | 20.00      | 1562 |
| 127507 | 01/26/21 | P0538 | PROVIDENT LIFE & ACCIDENT      | 60.04      | 1562 |
| 127508 | 01/26/21 | P0592 | PERMITTECHNATION               | 50.00      | 1562 |
| 127509 | 01/26/21 | P0602 | PRAXAIR DISTRIBUTION, INC      | 318.91     | 1562 |
| 127510 | 01/26/21 | P0709 | PARK FINANCE II                | 225,937.99 | 1562 |
| 127511 | 01/26/21 | R0010 | REIDER ASSOCIATES, INC.        | 3,528.90   | 1562 |
| 127512 | 01/26/21 | R0440 | RAHWAY BUSINESS MACHINES, INC. | 39.15      | 1562 |
| 127513 | 01/26/21 | R0493 | RIDGE BAGEL & CAFE             | 117.89     | 1562 |
| 127514 | 01/26/21 | R0815 | RUFFIN, RODNEY E               | 569.61     | 1562 |
| 127515 | 01/26/21 | S0135 | CJHRC-CENTRAL JERSEY HOUSING   | 84.00      | 1562 |
| 127516 | 01/26/21 | S0185 | SUBURBAN JOINT INSURANCE FUND  | 344,618.50 | 1562 |
| 127517 | 01/26/21 | S0370 | SOMERSET CTY FIRE SAFETY ASSOC | 100.00     | 1562 |
| 127518 | 01/26/21 | S0378 | STAVOLA ASPHALT                | 74.37      | 1562 |
| 127519 | 01/26/21 | S0526 | SPATIAL DATA LOGIC             | 1,000.00   | 1562 |
| 127520 | 01/26/21 | S0628 | STATE OF NEW JERSEY-HB         | 192,217.31 | 1562 |
| 127521 | 01/26/21 | S1057 | SOMERSET VALLEY URGENT CARE    | 140.00     | 1562 |
| 127522 | 01/26/21 | S1133 | STARCREST KENNELS, LLC         | 1,606.73   | 1562 |
| 127523 | 01/26/21 | S1165 | SOOS RADON AND ELECTRIC INC    | 60.00      | 1562 |
| 127524 | 01/26/21 | T0066 | CENGAGE LEARNING CREDIT SVCS   | 332.18     | 1562 |
| 127525 | 01/26/21 | T0286 | TOWNSHIP OF RANDOLPH           | 1,100.00   | 1562 |
| 127526 | 01/26/21 | V0037 | VILLAGE SUPERMARKET, INC.      | 17.08      | 1562 |
| 127527 | 01/26/21 | V0056 | VERIZON WIRELESS               | 1,096.77   | 1562 |
| 127528 | 01/26/21 | V0058 | VERIZON                        | 587.65     | 1562 |
| 127529 | 01/26/21 | V0084 | VERIZON                        | 614.28     | 1562 |
| 127530 | 01/26/21 | V0177 | VERIZON                        | 538.41     | 1562 |
| 127531 | 01/26/21 | W0016 | WARRENVILLE TRUE VALUE         | 949.50     | 1562 |
| 127532 | 01/26/21 | W0287 | WOYCE, KEVIN                   | 100.00     | 1562 |
| 127533 | 01/26/21 | W0347 | EDWARD WACKS & ASSOCIATES, LLC | 531.20     | 1562 |
| 127534 | 01/26/21 | W0372 | WEINER, EVAN                   | 125.00     | 1562 |
| 127535 | 01/26/21 | X0003 | XEROX CORPORATION              | 225.06     | 1562 |
| 127536 | 01/26/21 | X0005 | XTEL COMMUNICATION             | 480.32     | 1562 |
| 127537 | 01/26/21 | Y0228 | YAEGER, LAURA                  | 85.00      | 1562 |
| 127538 | 01/26/21 | Z0041 | ZERO WASTE USA                 | 435.49     | 1562 |
| 127539 | 01/26/21 | Z0088 | ZINN TITLE AGENCY LLC          | 5,513.30   | 1562 |

| Checking Account Totals | Paid  | Void  | Amount Paid  | Amount Void |
|-------------------------|-------|-------|--------------|-------------|
|                         | ----  | ----  | -----        | -----       |
| Checks:                 | 111   | 0     | 9,345,182.74 | 0.00        |
| Direct Deposit:         | 20    | 0     | 57,512.16    | 0.00        |
|                         | ===== | ===== | =====        | =====       |
| Total:                  | 131   | 0     | 9,402,694.90 | 0.00        |

| Report Totals   | Paid  | Void  | Amount Paid  | Amount Void |
|-----------------|-------|-------|--------------|-------------|
|                 | ----  | ----  | -----        | -----       |
| Checks:         | 111   | 0     | 9,345,182.74 | 0.00        |
| Direct Deposit: | 20    | 0     | 57,512.16    | 0.00        |
|                 | ===== | ===== | =====        | =====       |
| Total:          | 131   | 0     | 9,402,694.90 | 0.00        |

| Totals by Year-Fund | Fund | Budget Total | Revenue Total | G/L Total | Total        |
|---------------------|------|--------------|---------------|-----------|--------------|
| Fund Description    |      |              |               |           |              |
| CURRENT FUND        | 0-01 | 246,970.04   | 0.00          | 0.00      | 246,970.04   |
| GOLF COURSE UTILITY | 0-26 | 628.27       | 0.00          | 0.00      | 628.27       |
| Year Total:         |      | 247,598.31   | 0.00          | 0.00      | 247,598.31   |
| CURRENT FUND        | 1-01 | 8,860,060.32 | 0.00          | 0.00      | 8,860,060.32 |
| DOG FUND            | 1-12 | 1,617.73     | 0.00          | 0.00      | 1,617.73     |
| GOLF COURSE UTILITY | 1-26 | 39.17        | 0.00          | 0.00      | 39.17        |
| Year Total:         |      | 8,861,717.22 | 0.00          | 0.00      | 8,861,717.22 |
| CAPITAL FUND        | C-04 | 30,880.88    | 0.00          | 0.00      | 30,880.88    |
| PUBLIC GRANTS       | G-02 | 18,697.96    | 0.00          | 0.00      | 18,697.96    |
| TRUST FUNDS         | T-13 | 240,800.53   | 0.00          | 0.00      | 240,800.53   |
| PROJECT             |      | 3,000.00     | 0.00          | 0.00      | 3,000.00     |
| Total Of All Funds: |      | 9,402,694.90 | 0.00          | 0.00      | 9,402,694.90 |

Agenda and Date Voted: 01/26/2021

#### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

Rhonda Pisano , Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0100** Authorization for Tax Refund

**WHEREAS**, an erroneous tax payment exists because the property owner paid on the wrong account; and

**WHEREAS**, the Tax Collector has suggested that a refund be issued and made payable to the Bernards Twp. Sewer Authority in care of the owner in order to clear the account.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that we do hereby approve and authorize the following refund.

| Block & Lot      | Quarter & Year | Amount   | Issue Refund To   |
|------------------|----------------|----------|---|
| 9001/38.03/CONDO | 1&2Q2021       | \$885.76 | Bernards Twp. Sewer Authority for<br>Nitza Gallardo<br>1 Collyer Ln<br>Basking Ridge NJ 07920 |

Agenda and Date Voted: 01/26/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

*Interpretive Statement: This property has an overpayment due an approved veteran exemption. I recommend a refund be issued to clear the account.*

*Peggy Warren, Tax Collector*



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2021-0101

Award of Change Order #1 for the  
2019 NJDOT Local Aid Project: North Maple Avenue Improvements  
to American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, NJ 07032  
Decrease of \$88,951.40 (13.54%)

**WHEREAS**, the Engineering Department requests the following change order be authorized by the Township Committee:

| Vendor          | CO           | Original Award                | Amount of Decrease          | New Total           |
|-----------------|--------------|-------------------------------|-----------------------------|---------------------|
|                 | Number 1     | \$656,798.40<br>RA# 2020-0259 | \$88,951.40 (13.54%)        | \$567,847.00        |
| <b>TOTAL CO</b> | <b>CO #1</b> |                               | <b>\$88,951.40 (13.54%)</b> | <b>\$567,847.00</b> |

**WHEREAS**, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to American Asphalt & Milling Services LLC; and

**WHEREAS**, the Chief Financial Officer is directed to credit Capital Ordinance #2446, line account C-04-55-446-A06.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order to American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, NJ 07032.

Date Voted and Agenda: January 26, 2021

### EXPLANATORY STATEMENT

This change order represents the net contract change as a result of as-built quantities measured in the field. Supplemental item S-1 is a result of manhole castings being provided by the Bernards Township Sewerage Authority to use for construction as the manufacturer of these manhole castings had an exceptionally long lead time due to COVID-19. Supplemental items S-2 & S-3 are a result of field changes to comply with NJDOT and ADA regulations.

Date: January 12, 2021

Jonathan C. Blank, P.E., C.M.E.  
Assistant Township Engineer

### PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Francis J. Decibus, QPA  
Purchasing Agent

Date: January 14, 2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 01/26/2021.

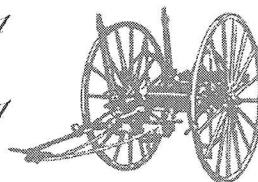
\_\_\_\_\_  
Rhonda Pisano, Municipal Clerk



ORGANIZED  
APRIL 14, 1934

*Basking Ridge Fire Company No. 1*  
*First Aid Squad of the*  
*Basking Ridge Fire Company No. 1*

P.O. BOX 326, BASKING RIDGE, N.J. 07920



ORGANIZED  
APRIL 24, 1904

**BASKING RIDGE FIRE COMPANY NO. 1**  
**and FIRST AID SQUAD**  
**RECEIPTS AND DISBURSEMENTS - CASH BASIS**  
**FOR THE YEAR ENDED DECEMBER 31, 2020**

**Receipts:**

|                          |                       |
|--------------------------|-----------------------|
| Bernards Township        | \$81,416              |
| Charitable Contributions | 119,652               |
| Fund Raising Events      | 11,968                |
| Interest                 | 580                   |
| <b>Total Receipts</b>    | <b><u>213,616</u></b> |

**Disbursements:**

|   |                           |
|---|---------------------------|
| Occupancy                                 | 37,402                    |
| Paving Driveways/Parking Lot              | 179,444                   |
| Equipment Maintenance                     | 52,249                    |
| Supplies                                  | 35,873                    |
| Technology                                | 13,297                    |
| Training/Meetings                         | 8,060                     |
| Insurance                                 | 3,492                     |
| Fund Raising                              | 11,585                    |
| <b>Total Disbursements</b>                | <b><u>341,402</u></b>     |
| <b>Excess Disbursements over Receipts</b> | <b><u>(\$127,786)</u></b> |



**BY-LAWS  
OF THE  
BASKING RIDGE FIRE COMPANY NO. 1  
AS AMENDED AND ADOPTED  
11/1/2020**

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## ARTICLE I – TITLE

The name of this corporation is the Basking Ridge Fire Company No. 1.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **ARTICLE II – PURPOSE**

This Company is formed for the prevention and extinguishment of fires, the promotion of emergency medical services work, and to assist our neighboring communities when called.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **ARTICLE III – MEMBERSHIP**

### **Section 1:**

To be eligible for membership in this Company, a person shall be at least eighteen (18) years of age, with the exception of Junior Membership (Article III, Section 12, Class 7).

The applicant must be of good moral character, able-bodied, and be a resident of, or work within, the Township of Bernards or an adjacent community, with the exception of Reserve Membership (Article III, Section 12, Class 6).

### **Section 2:**

All applicants shall attend four (4) or more Monday work night or drills to become familiar with the work of the Company and to gain an understanding of the commitments required to become a member in good standing. All applicants shall complete the application forms of the Basking Ridge Fire Company No. 1. If the applicant is applying for Fire Membership, and under the age of forty-five (45), the candidate will also complete the application for the New Jersey State Firemen's Association. All qualified applicants will receive consideration for appointment without regard to race, color, religion, sex, national origin, political affiliation, or other non-merit factor.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 3:**

After completing the application, the applicant shall follow the flow as stated in the Membership Application. When complete, the Chair of the Membership Committee (or designee) shall convey the application to the Township of Bernards for review by the Township Committee, performance of a background investigation, and addition, if appropriate, to the Township rolls of members.

## **Section 4:**

Upon receipt of an approved and accepted application from the Township, the Secretary, Membership Chair, or designee, shall notify the applicant of his or her acceptance and direct them to report to the next regularly scheduled Business Meeting of the Company for the swearing in ceremony and administration of the Oath of Obligation.

## **Section 5:**

Applicants approved by both the Membership Committee and the Township of Bernards as qualified for Probationary Membership shall be admitted in the order in which their applications were fully approved, with certified/credentialed candidates being prioritized.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 6:**

If the Township of Bernards determines that an applicant does not meet the background requirements for membership, the Membership Chair, or designee, shall promptly advise the applicant, in writing, of the rejection.

## **Section 7:**

Immediately after taking the Oath of Obligation, or as soon as practicable thereafter, the applicant shall receive:

- Badge
- Paper
- Car Emblem
- Email account
- Access to online systems
- Access to electronic copies of the Bylaws, Policy Guide, and appropriate Standard Operating Guidelines (SOGs)

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## Section 8:

A new member shall serve at least a one (1)-year probationary period, unless that individual is or was a member in good standing of a fire company or EMS organization, or has served at least one (1) year as a Junior Member of the Company. Such members shall serve a six (6) month probationary period. During the probationary period, and at the conclusion thereof, each Probationary Member shall be evaluated by the field officers. If at any time during the probationary period, or at the occasion of the review of the Probationary Member's performance by the officers, the officers determine that the member has failed to perform the established duties of a probationary member in a reasonably satisfactory manner or for other good cause, the Chief Officer or EMS Captain, as appropriate to the member's class, may take one or more of the following actions:

- Cause the dismissal of the member
- Extend the probationary period
- Other disciplinary or corrective action as the officers deem appropriate

The officers must notify the Probationary Member, in writing, of the rejection and the particular reasons therefor. If the officers determine that the Probationary Member has satisfactorily performed the requirements of probation, including but not limited to:



# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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- Achieving appropriate certifications for the position, for example, Firefighter I for Fire Members or EMT for First Aid Members
- Responding to sufficient calls and attending sufficient Fire Company functions to achieve 100 points (or a pro-rated number of points if the Probationary period is less than a year)

Then, the officers shall promptly recommend to the membership that the Probationary Member be admitted to Active Membership.

## **Section 9:**

Any Active Member who resigned from the Basking Ridge Fire Company No. 1 in good standing may rejoin the company regardless of residence or time out of the company without the requirement to serve a probationary period.

## **Section 10:**

Any Member attending full-time college may request to be placed on Academic Reserve for the duration of their schooling. All Junior Members attending full-time college will be placed on Academic Reserve for the duration of their schooling. Upon completion of their schooling, such members must fulfill the requirements of Probationary Membership to remain with the Company. While on Academic Reserve, members are required to attend meetings, drills, and calls while home on break or vacation from school, in order

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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to maintain membership in the Company. Failure to do so may result in dismissal from the Company. Any member who is a member of a National Guard or Reserve unit of any branch of the United States military who has been called up for active duty, or any member who has retired from military service and has been recalled to active duty may, upon being activated for such service, request to be placed on Military Reserve status for the duration of such service. In addition, any member who volunteers for active duty in any branch of the United States military may request to be placed on Military Reserve status for the duration of such service.

## **Section 11:**

The number of members working for exempt papers shall not exceed the quota established by the New Jersey State Firemen's Association and shall be in order of admission into the Company. Members working for exempt papers shall qualify under the age requirements and medical standards of the New Jersey State Firemen's Association.

## **Section 12:**

The membership of the company shall consist of the following classes:

- Life Membership

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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- Active Fire Membership
- Active First Aid Membership
- Honorary Membership
- Probationary Membership
- Reserve Membership
- Junior Membership
- Auxiliary Membership

## **Class 1: LIFE MEMBER**

A Life Member is a member who has fulfilled all obligations and requirements as an active member for fifteen (15) years. An active member so qualified may change his classification to Life Member, provided such request be in writing and be held over until the next regular meeting of the company for action. A Life Member shall continue to promote the good of the company, serve on committees, and canvass for funds. A Life Member, to be eligible to run for an Executive office, must have attended at least 50% of the regular meetings of the company from October of the prior year to October of the current year, and satisfactorily held a position on a Standing and Special committee. To be eligible to run for a Field Office, a Life Member must maintain 100 points worth of attendance at calls, drills, meetings, and service.

## **Class 2: ACTIVE FIRE MEMBER**

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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An Active Fire Member in good standing is one who maintains a minimum of fifty (50) points of attendance at fires, drills, meetings, and service during the year.

## **Class 3: ACTIVE EMERGENCY MEDICAL SERVICES MEMBER**

An Active EMS Member in good standing is one who maintains a minimum of fifty (50) points of attendance at first aid calls, drills, meetings, and service during the year, and must also maintain certification under standards from the New Jersey Department of Health.

## **Class 4: HONORARY MEMBER**

An Honorary Member can be any person recognized for service to the company. Proposals for Honorary Membership shall be offered at a regular meeting of the company and should be held over for one month until the next regular meeting, at which time the said nominee will be voted upon and must receive a two-thirds majority vote of the members. Honorary Membership shall not include all the rights and privileges of an Active Member.

## **Class 5: PROBATIONARY MEMBER**

A Probationary Member is a Member whose application has been accepted by the Township of Bernards and has sworn the Oath of Obligation but not yet successfully

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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completed the required Probationary period. Probationary Membership shall not include all the rights and privileges of an Active Member.

## **Class 6: RESERVE MEMBER**

A Reserve Member is any person who is employed within Bernards Township and/or a resident of Bernards Township, or a resident of an adjacent community who wishes to perform limited service for the Company. Any member requesting a transfer to Reserve Member shall submit the request in writing to be voted upon by the members of the Basking Ridge Fire Company No. 1. Any member who has transferred to Reserve status for any reason must transfer back to Active Member if the situation is resolved. Reserve Members must meet certification standards set by the NJSFAC or Company fire training requirements. An annual review of Reserve status will be required. Reserve Members must meet the following annual requirements:

- a. Reserve Members must maintain all certifications and licenses required by the State of New Jersey, and meet all company training requirements
- b. Reserve Members must respond to a minimum of twelve (12) emergency calls per year
- c. Reserve Members must attend a minimum of six (6) Monday work nights per year.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Failure of a Reserve Member to meet all of the above requirements shall result in an automatic return of that Member to Probationary Membership Status (see Section 8, above). The Membership Committee shall conduct an annual review of all Reserve Members and ascertain whether such members have met the required minimum standards. Reserve Membership shall not include all the rights and privileges of an Active Member.

## **Class 7: JUNIOR MEMBER**

A Junior Member is a non-voting member, sixteen (16) to eighteen (18) years of age, and a resident of Bernards Township. A Junior Member shall be trained and allowed to perform duties within the limits of the law. Junior Membership shall not include all the rights and privileges of an Active Member. At the age of eighteen (18), a Junior Member must apply for Active Membership with the company. Failure of a Junior Member to apply and transfer to Active Membership within three (3) months of their eighteenth (18<sup>th</sup>) birthday shall result in an automatic drop from the rolls.

- **Exception. A Junior Member who's 18<sup>th</sup> birthday falls between June – September, is a full-time student outside NJ and on Academic Reserve, shall complete the full member paperwork and receive Township approval as noted above.**

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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These select candidates will complete Oath of Membership  
at the next business meeting they are available for.

If dropped, the individual would not necessarily be precluded from applying as a full member in the future.

## **Class 8: AUXILIARY MEMBER**

An Auxiliary Member is any person who is employed within Bernards Township and/or a resident of Bernards Township, or a resident of an adjacent community who wishes to perform limited service for the Company (non-fire and EMS). This limited service includes (but is not limited to) organized fundraising for the Company, as well as delegated administrative/non-operational tasks. Oversight of the Auxiliary Membership program will be the responsibility of the Membership Committee and the Executive Committee. Proposals for Auxiliary Membership shall be offered at a regular meeting of the Company and should be held over for one month until the next regular meeting. An annual review of Auxiliary status will be required. Auxiliary Membership shall not include all rights and privileges of an Active Member.

## **ARTICLE IV – MEETINGS AND DRILLS**

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 1:**

The regular meeting of the Company shall be held in the fire headquarters at 7:30 p.m., on the second Friday of each month, unless directed otherwise by a vote of the Company.

## **Section 2:**

The annual meeting of the Company shall be held in the fire headquarters at 7:30 p.m., on the second Friday of December, unless directed otherwise by a vote of the Company.

## **Section 3:**

A quorum shall be necessary for the transaction of business at a regular or special meeting of the Company. It is understood that a quorum shall be defined as fifteen (15) voting members of the Company.

## **Section 4:**

Special meetings may be called by the President, or by a request of the Chief, or upon written request of five (5) members of the company, at any time.



# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 5:**

Drills shall be held at the discretion of the Chief, EMS Captain, or by order of the Company.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## ARTICLE V - REGULATIONS AT MEETINGS

### Section 1:

The rules contained in “Robert’s Rules of Order” shall govern this organization in all cases in which they are applicable, and in which they are consistent with the bylaws of the Company.

### Section 2:

If a quorum of the Company is present, the order of the regular meetings and the annual meeting shall be under the following rules:

1. Pledge of Allegiance
2. Corrections and approval of minutes of the previous meeting or special meeting  
as distributed to members electronically
3. Roll Call
4. Report of the Standing Committees
5. Report of the Special Committees
6. Treasurer’s report of the state of finances
7. Report of the Chief
8. Report of the EMS Captain
9. Unfinished Business

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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10. New Business
11. Reporting of candidates for Membership
12. Election of officers and delegates
13. Reception of new members
14. Anything to offer for the good and welfare of the company
15. Adjournment

## **Section 3:**

The order of business at special meetings shall be as follows:

1. Pledge of Allegiance
2. Reading of the purpose of the meeting
3. Roll Call
4. Discussion and action of the business as set forth in the call of the meeting
5. Adjournment

## **Section 4:**

In the event of the absences of the President and Vice President, the Company shall elect a Chairman Pro Tem and proceed to transact business.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## ARTICLE VI – VOTING

### Section 1:

The eligibility for membership voting is based on points accumulated for the year, with a year defined as from October 1<sup>st</sup> to September 30<sup>th</sup> of the following year. To be eligible to vote, the members must maintain the following points

1. **Life Member:** A Life Member must maintain a 50% attendance at meetings for the year to be eligible to vote.
2. **Active Member (Fire):** An Active Fire Member must maintain a minimum of 100 points worth of attendance at fires, fire drills, meetings, and service for the year to be eligible to vote.
3. **Active Member (EMS):** An Active Emergency Medical Services Member must maintain a minimum of 100 points worth of attendance at first aid calls, first aid drills, meetings, and service for the year to be eligible to vote.
4. **Honorary Member:** An Honorary Member is not eligible to vote.
5. **Probationary Member:** A Probationary Member is not eligible to vote.
6. **Reserve Member:** A Reserve Member is not eligible to vote.
7. **Junior Member:** A Junior Member is not eligible to vote.
8. **Auxiliary Member:** An Auxiliary Member is not eligible to vote.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 2:**

To be able to vote, both Active Members (Fire) and Active Members (EMS) must accumulate 100 or more points over the course of the year, which will run from October 1 to September 30. Members coming off probation will be prorated by month for the year to meet eligibility points. Members coming off a leave of absence or Reserve Membership will be ineligible to vote for the upcoming year unless 100 points were achieved. The Executive Committee will review the point system annually, or as required if elected or appointed positions change. All eligibility to receive points will be determined by the Fire or EMS Officer in charge for calls, drills, and training; by the Executive Committee for appointed positions; and by Committee Chairs for other events. Divided into six (6) different categories, the points would be assigned as follows:

### **I. Elected/Appointed Positions**

#### **A. Elected Positions:**

##### **Field Officers:**

Chief: Twenty (20)

Deputy Chief: Fifteen (15)

Assistant Chief: Fifteen (15)

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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First Captain: Ten (10)

Second Captain: Ten (10)

Third Captain: Ten (10)

EMS Captain: Twenty (20)

First Lieutenant: Ten (10)

Second Lieutenant: Ten (10)

## **Executive Officers:**

President: Twenty (20)

Vice-President: Five (5)

Secretary: Fifteen (15)

Assistant Secretary: Ten (10)

Treasurer: Fifteen (15)

Assistant Treasurer: Five (5)

Executive Committee at Large: Five (5)

Delegates to Convention: Zero (0)

Alternates to Convention: Zero (0)

Trustee to Relief Assistant: Two (2)

Representative to Relief Assistant: Two (2)

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **B. Appointed Positions:**

Drivers: Five (5)

Assistants Drivers: Five (5)

The Chair or Co-Chair of each Standing Committee will receive the following points for a year's service, based on their performance:

Membership: Zero (0)

Building & Grounds: Ten (10)

Training: Zero (0)

Auditing: Five (5)

Visiting & Memorial: Five (5)

Publicity: Five (5)

Nominating: Five (5)

EMS: Zero (0)

Good & Welfare: Ten (10)

Fund Drive: Ten (10)

Grievance: Five (5)



# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Bylaws: Five (5)

The Chair or Co-Chair of each Special Committee will receive points as assigned by the Executive Committee for the duration of the Committee, based on their performance.

No point credit will be given for former elected or appointed positions toward the following year's voting. The officer/appointee as of January 1<sup>st</sup> receives the points.

Certain committee chair positions (e.g. training, EMS, membership) do not receive any points because the position is a requirement of the elected office.

## **C. Drills & Fund Raising:** Maximum of forty (40) Points

Regular Training Drills involving in-house instruction and lasting a minimum of two hours will receive two (2) points. Designated Fund Raising functions for the good of the company, lasting a minimum of two hours will receive 2 points.

## **D. Training:** Maximum of Thirty (30) Points

Training involving approved schools or classes with an outside instructor that have been successfully completed will receive points as follows:

Under twenty (20) hours: Five (5)

Twenty (20) - forty-five (45) hours: Ten (10)

Over forty-five (45) hours: Fifteen (15)

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Training involving webinars, on-line courses and other e-learning will receive points as follows:

Under five (5) hours: Two (2)

Five (5) – ten (10) hours: Four (4)

Over ten (10) hours: Six (6)

## **E. Meetings:** Maximum of fifteen (15) Points

Each regular Fire Company business meeting (12/year) will count for one (1) point.

The following will each receive one (1) point, with a maximum of five (5) points.

Special Fire Company Meetings

First Aid/Fire Conventions

Eighth District Meetings

Somerset Country Mutual Aid Meetings

Northern Area Mutual Aid Meetings

## **F. Emergency Calls:** Maximum of sixty (60) Points

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Fire:**

Each emergency call will receive half (.5) a point for a maximum of sixty (60).

## **G. Duty Time:**

Every twenty (20) hours of duty time will receive one (1) point for a maximum of twenty (20). A member who misses an emergency call while assigned a block of duty time will forfeit that block of duty time.

## **H. Other:**

Regular Monday work nights: half (.5) a point for each evening (one and a half (1 ½) hours minimum or at the discretion of the approving party) for a maximum of twenty-six (26).

Maximum of 25 Combined:

Standing Events (e.g. community service, parades, holiday decorations, Santa Claus, fire prevention): Two (2) points per event

Special Events (committee events, building maintenance, and special projects): One (1) point for each event.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Committee Meetings: One (1) point for each attendance.

Parade Preparation: Half (.5) a point for each evening ( one and a half (1 ½) hours minimum).

Eligibility for receiving points will be determined by the Fire or EMS officer in charge or by the Committee Chair.

## **Section 3:**

Members shall only be awarded credit for functions they actually complete. As points are awarded for all core and ancillary activities of the Company, from emergency calls, to training, to committee meetings, there is no necessity for receiving credit for events that take place in parallel.

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## **ARTICLE VII – RESIGNATIONS**

### **Section 1:**

Each resignation of a member shall be in writing, read at a regular monthly meeting, and held over until the next regular meeting of the Company for action. If approved by a majority vote of the members present, it shall be accepted, provided all property belonging to the Company had been returned to the Quartermasters and all obligations have been fulfilled.

### **Section 2: Honor Roll**

Upon the resignation or death of a member in good standing, recommendations for inclusion on the Honor Roll can be made at a regular business meeting and held over for a month. After review of service and endorsement by the Executive Committee, a vote by the Company at a subsequent meeting would confirm that member shall be placed on the Honor Roll. Any member, regardless of service, killed in the line of duty, shall automatically be placed on the Honor Roll.

Qualifications for the Honor Roll will include one or more of the following: Achievement of life member status, Active voting member for five (5) or more years, Any member with twenty (20) or more years of service.

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## ARTICLE VIII – OFFICERS AND THEIR DUTIES

### Section 1:

The Executive Officers of this Company and their duties shall consist of the following:

**President:** The duties of the President are to:

1. Act as head administrator and legal head of the Company
2. Exercise supervision over the organization and all its administrative activities
3. Represent and speak for the organization to other organizations and the public
4. Preside at all meetings
5. Act as member ex-officio of all Standing and Special committees
6. Sign letters or documents necessary to carry out the will of the organization
7. Call special meetings at any time
8. Give the deciding vote on all matters before the Company when the vote lacks a majority. (This shall include the elections of officers and delegates)
9. Countersign all checks or other negotiable instruments over \$1,000.00 drawn by the Treasurer or the Assistant Treasurer

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**Vice President:** The duties of the Vice President are to:

1. Assume the duties of the President in case of absence or incapacity of the President
2. Render to the President such assistance as shall be required
3. Have the authority to countersign all checks or other negotiable instruments over \$1,000.00 drawn by the Treasurer or the Assistant Treasurer in the absence or incapacity of the President

**Secretary:** The duties of the Secretary are to:

1. Be recognized by law, along with the President, as the legal representative of the corporation
2. Authenticate all official documents by his/her signature, accompanied by the seal of the corporation
3. Record and maintain accurate business records of the Company and perform other related duties
4. Call the roll at every meeting or other times if the officer in command so orders
5. No later than two weeks following each meeting, the Secretary or acting Secretary shall prepare the minutes of the meeting and distribute an electronic copy to the membership to the members' BRFCO.com email addresses. In



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addition, a hard copy will be posted in the Radio Room and downstairs by the Recreation Room

6. File all documents
7. Pick up, sort, and deliver mail to the appropriate recipient.
8. Furnish all books and papers that may be required to the Assistant Secretary, if unable to attend meetings
9. Submit annually to the Bernards Township Clerk a letter listing the names of the officers and members of the Basking Ridge Fire Company No. 1

**Assistant Secretary:** The duties of the Assistant Secretary are to:

1. Assist the Secretary as needed
2. Assume the duties of the Secretary in case of absences or incapacity of the Secretary
3. Maintain the history, honor roll, and archives of the Company
4. Serve other duties at the discretion of the Secretary

**Treasurer:** The duties of the Treasurer are to:

1. Be responsible for the collection, safekeeping, and expenditure of all funds of the company
2. Keep an accurate financial record

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3. Collect and disburse funds only as directed by the bylaws, the membership, or the Executive Committee that shall not contradict law
4. Receive all money due the Company, taking receipt for the same, and giving receipts for any monies paid by members to the Company
5. Pay all bills that shall be certified by the persons whose approval is necessary.  
Pay all other defacto bills encumbered by the company, not needing approval (e.g. utility)
6. Report the condition of finances at each regular business meeting
7. Deposit all monies in the name of the company within fifteen (15) days of receipt of same in a bank of other financial institution insured by agencies of the federal government or has other appropriated private insurance coverage
8. Have all checks or other negotiable instruments over \$1,000.00 countersigned by the President or, in his absence, the Vice President
9. Pay all approved bills within seven (7) days of the regular meeting or by the invoice due date, with the exception of all utility bills
10. File all required information returns with the IRS by the required due date

**Assistant Treasurer:** The duties of the Assistant Treasurer are to:

1. Render to the Treasurer such assistance as shall be required
2. Assume the duties of the Treasurer in case of the absence or incapacity of the Treasurer

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## Section 2:

The Field Officers of this Company and their duties shall consist of the following:

**Chief:** The Chief's position and authority is that of the ultimate fire ground commander.

The Chief's duties are to:

1. Demand and enforce absolute discipline and obedience among the officers and members
2. Be responsible for the overall training, conduct, and performance of the officers and members
3. Be responsible for all Fire Company apparatus and equipment
4. Be in overall charge of all field operations and activities of the Company
5. Hold an annual inspection to make certain that all members are properly licensed to drive the Company apparatus
6. Together with the Assistant Chiefs, assign the Captains under their command to various duties
7. Appoint no more than four (4) members as Fire Police, designate one (1) member as Sergeant of the Fire Police, and assure that they shall be commissioned and act under the rules and regulations of the State of New Jersey

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8. Accept and assume all the duties, responsibilities, and liabilities incumbent upon a chief fire officer
9. Make such purchases as may be deemed necessary provided, however, that all purchases in excess of \$500.00 per month shall be made with the approval of the Company or the Executive Committee
10. Have the authority to deputize any individual who can demonstrate evidence of having prior active, honorable experience and membership in any recognized fire department or branch of the fire service, in order to further enhance the fire-fighting capabilities of the Basking Ridge Fire Company No. 1 in a situation where it is deemed necessary for protection of life and property
11. Be in charge of the apparatus room and associated rooms
12. Have use of the fire command vehicle as needed but within guidelines of Policy Guide Amendment XVI –

**Deputy Chief:** The duties of the Deputy Chief are to:

1. Aid the Chief in the discharge of the Chief's duties
2. Assume the duties of the Chief in the absence or incapacity of the Chief
3. Be assigned various duties at the discretion of the Chief
4. Aid the Chief in overseeing firefighting apparatus

**Assistant Chief:** The duties of the Assistant Chief are to:

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1. Aid the Chief in the discharge of the Chief's duties
2. Assume the duties of the Chief in the absence or incapacity of the Chief and Deputy Chief
3. Be assigned various duties at the discretion of the Chief
4. Act as Chairman of the Training and Development Committee
5. Aid the Chief in overseeing EMS and Rescue operations
6. Be in charge of fitting and issuing fire turnout gear and specialized equipment, maintaining an inventory, in association with Quartermasters, and reporting needs to the Deputy Chief
7. Will act as Fire Company Safety Officer

**First Captain:** The duties of the 1<sup>st</sup> Captain are to:

1. Assist superior field officers in the discharge of their duties
2. Be assigned various duties at the discretion of the Chief
3. Be in charge of one of the three primary pieces of fire apparatus
4. Fulfill the duties of the operation as appointed by the Chief: Engine Operations, Truck Operations, and Rescue Operations

**Second Captain:** The duties of the 2<sup>nd</sup> Captain are to:

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1. Assist superior field officers in the discharge of their duties
2. Be assigned various duties at the discretion of the Chief
3. Be in charge of one of the three primary pieces of fire apparatus
4. Fulfill the duties of the operation as appointed by the Chief: Engine Operations, Truck Operations, and Rescue Operations

**Third Captain:** The duties of the 3<sup>rd</sup> Captain are to:

1. Assist superior field officers in the discharge of their duties
2. Be assigned various duties at the discretion of the Chief
3. Be in charge of one of the three primary pieces of fire apparatus
4. Fulfill the duties of the operation as appointed by the Chief: Engine Operations, Truck Operations, and Rescue Operations

**EMS Captain:** The duties of the EMS Captain are to:

1. Demand and enforce absolute discipline and obedience among the EMS officers and members
2. Be responsible for the overall training, conduct, and performance of the EMS officers and members
3. Be responsible for all EMS vehicles, equipment, and supplies pertaining to same

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4. Be in overall charge of all EMS field operations and activated of the Company
5. Assign the Lieutenants under their command to various duties
6. Accept and assume all the duties, responsibilities, and liabilities incumbent upon the chief EMS officer
7. Make such purchases as may be deemed necessary provided (or delegate to an individual or committee to do the same), however, that all purchases in excess of \$200.00 per month shall be made with the approval of the Company or the Executive Committee unless previously budgeted and approved by the Company
8. Have the authority to deputize any individual who can demonstrate evidence of having prior active, honorable experience and membership in any recognized first aid squad, with appropriate certification, in order to further enhance the first aid capabilities of the Basking Ridge Fire Company No. 1 in a situation where it is deemed necessary for protection of life and property
9. Be assigned various duties at the discretion of the Chief
10. Have use and be responsible for the EMS vehicle as needed but within guidelines of Policy Guide Amendment XVI –

**EMS First Lieutenant:** The duties of the EMS First Lieutenant are to:

1. Assist the EMS Captain in the discharge of all duties
2. Assume the duties of the EMS Captain in the absence or incapacity of the EMS Captain

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3. Be assigned various duties at the discretion of the Chief

**EMS Second Lieutenant:** The duties of the EMS Second Lieutenant are to:

1. Assist the EMS Captain in the discharge of all duties
2. Assume the duties of the EMS Captain in the absence or incapacity of the EMS Captain and EMS First Lieutenant
3. Be assigned various duties at the discretion of the Chief

## Section 3: Ranking Officers

Ranking Officers (Fire Call): It is understood that when answering an alarm that the first qualified firefighter to appear at headquarters shall be in charge until relieved by a Fire officer or an ex-Chief.

Ranking officers (EMS Call): It is understood that when answering an EMS call, the first qualified EMS member on the scene shall be in charge until relieved by an EMS officer, or, if no EMS officers are available, an EMS qualified Fire officer or ex-First Aid Captain.

## Section 4: Eligibility for Office

- A. To be eligible to run for an Executive Office, a candidate shall be a member in good standing under one of the following classifications:



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- a. Life Member
- b. Active Member
- c. Active EMS Member

A Life Member, to be eligible to run for an executive office, must attend a minimum of 50% of regular monthly meetings throughout the year, and satisfactorily held a position on a Standing and Special committee. An Active Member, or Active EMS Member, to be eligible to run for the office of President, Vice President, or At-Large, shall maintain a minimum of 100 points worth of attendance at calls, drills, meetings, and service. An Active Member or Active EMS Member, to be eligible to run for the office of Secretary, Asst. Secretary, Treasurer, Asst. Treasurer, shall be a member in good standing. If elected with less than 100 points, it shall not include the privilege to vote except for the position of Secretary casting a sole ballot for uncontested elections.

B. To be eligible to run for a Field Office (Fire or EMS), a candidate shall be a member in good standing under one of the following classifications:

- a. Life Member
- b. Active Fire Member
- c. Active EMS Member

A Life Member and Active Fire Member, to be eligible to run for a Fire Field Office, must maintain a minimum of 100 points worth of attendance at calls, drills, meetings, and service. A Life Member and Active First Aid Member, to be eligible to run for an EMS

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Field Office, must maintain a minimum of 100 points worth of attendance at calls, drills, meetings, and service.

## **Section 5: Nomination and Voting Procedures**

The Nominating Committee presents a proposed slate of Executive Officers and Field Officers to the Company at the October meeting for the annual elections, in the form of a written ballot. It is understood that the Nominating Committee's ballot is their recommendation to the Company and that further nominations may be made from the floor at the November meeting, following which the nominations shall be closed, except in the event a vacancy may occur. Further nominations may be made from the floor to fill that vacancy. All officers are elected by a simple majority of voting members present at the meeting.

## **Section 6:**

Upon being duly elected by the Company, all officers, whether Field Officers or Executive Officers, shall take office as of January 1<sup>st</sup> of the following year.

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## ARTICLE IX – STANDING COMMITTEES AND THEIR DUTIES

### Section 1:

All Standing Committees of the Company shall be appointed by the incoming Executive Committee.

### Section 2:

The Executive Committee shall appoint three (3) or more members to all Standing Committees of the Company.

### Section 3:

The Standing Committees of the Company and their duties are as follows:

**Executive Committee:** The Executive Committee is the governing body of the Fire Company and the First Aid Squad. It shall be composed of the President, Secretary, Treasurer, Chief, EMS Captain, and three Executive Committeemen-at-Large. The 'at large' positions shall be for a three-year term, with one term expiring each year. Exceptions to this would be resignation or those elevated to other offices. An 'at

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large' position shall not be held by a sitting field officer. The duties of the Executive Committee are to:

1. Oversee all financial and administrative matters of the Company
2. Have the power to act for the Company in matters requiring immediate action in the intervals between meetings and report at the next regular meeting
3. Serve as the liaison between the public and the Company
4. Serve as liaison between all government bodies and the Company

**Building and Grounds:** Shall have full charge of the buildings, grounds, and property (except for fire and emergency equipment and the apparatus room) of the Company. The duties of the Building and Ground Committee are to:

1. Be responsible to make all repairs and purchases incidental to the maintenance of the building and grounds
2. Maintain the building and grounds in proper condition at all times
3. All expenditures in excess of \$200.00 per month must be referred to the Company or, in matters requiring immediate action in the intervals between meetings, the Executive Committee for approval unless previously budgeted and approved by the Company
4. Take charge of badges and keys, keeping a complete record of same

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**Membership Committee:** The purpose of the Membership Committee is to oversee the application and membership procedures of the Company. The duties of the Membership Committee are to:

1. Meet with each new applicant so that they may inquire into the applicant's character, competence, and eligibility for membership
2. Within sixty (60) days of receipt of an application for membership, make a report as to whether or not the applicant qualifies for membership. The Committee's recommendation shall be binding on the Company
3. Under the direction of the Chief, manage and be operationally in charge of the Junior Membership program, acting at all times in accordance with the Bernards Township ordinance and the State of New Jersey laws pertaining to this program
4. Report at each regular meeting the status of the program to the Company
5. Maintain Periodic and Annual Reviews of all members' status within the Fire Company.
  - Any member NOT meeting the responsibilities described in their membership classification will be reported to the company with recommendations that may include:

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- o Changing their membership classification. (ex. Moving from Reserve to Probationary)
- o Dismissal from the Fire Company
- o Request the member attend the next regular business meeting of the Company and explain the deficiencies and indicate desire to correct
- o Article 10. Send an email/letter to a member that identifies the deficiencies and requests that the member addresses them or face further actions.

**Auditing Committee:** It shall be the purpose of the Auditing Committee to examine the books of the Company in a timely fashion after the end of the Company's fiscal year, or more often if they see fit, and make a written report to the Company of their findings. It shall be their duty to make a written report to the Company of their findings.

**Visiting and Memorial Committee:** The purpose of the Visiting & Memorial Committee is to keep the Company informed of the illnesses, family emergencies, and other special events pertaining to members of the Company. The duties of the Visiting Committee are to:

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1. Visit the sick and distressed and render consolation and relief to any member or their family
2. Make a full report of such visits at the next regular meeting
3. Notify the Bernards Township Relief Association of extended illnesses

**Publicity Committee:** The purpose of the Publicity Committee is to promote the positive image of the Basking Ridge Fire Company No. 1 and First Aid Squad. The duties of the Publicity Committee are to:

1. Sponsor all news reports, advertisements, and new items beneficial to the interest of the Company
2. Ensure that all news items are properly released with the approval of the appropriate officer
3. All members should refer news inquiries to the proper spokesperson
4. Establish and communicate the social media policy
5. With the assistance of the Membership Committee, Executive Officers, and Field Officers, be responsible for developing a continuing recruitment program for new members

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**Nominating Committee:** The purpose of the Nominating Committee is to present a proposed slate of officers for the annual elections, or as needed. The duties of the Nominating Committee are to:

1. Meet prior to the regular October meeting for the purpose of considering the qualifications of prospective candidates as officers for the ensuing year
2. Present their ballot, in writing, to the Secretary for reading at the regular October meeting

**Good and Welfare Committee:** The purpose of the Good and Welfare Committee is to promote the good and welfare of the Company through refreshment and recreation. The duties of the Good and Welfare Committee are to:

1. Take charge of all social affairs of the Company
2. Provide refreshments and entertainment when they see fit, or when requested by the Company, with expenditures not to exceed \$125.00 per event except when authorized by the Company or the Executive Committee
3. Be responsible for the refreshment center in the recreation area
4. Maintain supplies



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**Fund Drive Committee:** The purpose of the Fund Drive Committee is to oversee and administer all fund-drive activities of the Company. The duties of the Fund Drive Committee are to:

1. Administer all planned fund drive activities
2. Report to the Company on a regular basis
3. Maintain records related to all fund drives

**Grievance Committee:** The Grievance Committee shall be composed of one ex-Chief and one ex-EMS Captain, and should include at least one male and one female member. Should a sitting member of the Grievance committee be part of a complaint, they shall vacate the seat and it should be temporarily filled at the recommendation of the Executive Committee. The purpose of the Grievance Committee is to investigate and offer recommendations concerning complaints of the members of the Company against the Company or members of the Company.

**Bylaws Committee:** The purpose of the Bylaws Committee is to maintain and oversee the revision of the Bylaws and the Policy Guide of the Company. The duties of the Bylaws Committee are to:

1. Maintain the Bylaws and Policy Guide of the Company
2. Oversee the revision process of the Bylaws and Policy Guide of the Company

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3. Review and coordinate changes, amendments, and deletions to the Bylaws and Policy Guide of the Company
4. Review on an annual basis the Bylaws and the Policy Guide of the Company and recommend possible changes to the documents

**Compliance Committee:** A Compliance Committee shall be established with a minimum of three members including a Chief Officer, one Firefighter and one Emergency Medical Technician; as selected or approved by the Executive Committee.

1. The role of the Compliance Committee shall be to ensure that the safety policies, specifically those that pertain to personnel of the Company, comply with Federal and state regulations and laws, and are not contrary to NFPA standards.
2. It shall also be the responsibility of Compliance Committee to maintain the associated compliance records, make reports to the Executive Committee upon request and report upon activities to the Company at the regular business meetings.
3. When it is found that the Company lacks a policy regarding a specific personnel safety regulation with which it is required to comply, or an existing policy becomes outdated, the Compliance Committee shall

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identify that deficiency and draft a new or revised policy for the Company to approve.

4. Individual member's compliance or noncompliance with Company policy is the responsibility of the Company Officers to enforce including the recordkeeping function associated with the individual's non-compliance and corrective actions taken to remedy said non-compliance.

## **Section 4:**

The Standing Committee Chairmen shall be responsible for all purchases and bills pertaining to their committees.

## **ARTICLE X – SPECIAL COMMITTEES**

### **Section 1:**

Any committee deemed necessary for the function of the Company shall be appointed by the Executive Committee as needed.

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## ARTICLE XI – DUTIES OF MEMBERS

### Section 1:

It shall be the duty of each member to further the interests of the Company, to obey all orders that shall be given by the officers in command, to answer fire/EMS calls, attend drills, attend all regular and special meetings, attend parades, and to read these rules and regulations and obey them to the best of their ability. Any officer of the Basking Ridge Fire Company No. 1, who may also be a member of another emergency services organization, shall represent their respective office at any overlapping function (e.g. parade, wakes, etc.).

### Section 2:

A member shall not leave a fire, EMS call, drill, or meeting without the permission of the officer or chairman in charge. Failure to comply will result in no credit received and possible disciplinary action.

### Section 3:

A member shall abide by the house rules.

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## **Section 4:**

It shall be the duty of each member to continually upgrade their working knowledge of fire ground practices, principles, new equipment, and/or EMS practices. This upgrading may be obtained by regularly attending drills, Monday night work sessions, lectures, schools, and by reading as much fire service material and/or EMS material as possible.

## **Section 5:**

All monetary rewards, contributions, or gifts for services as a firefighter or EMS provider shall be promptly turned over to the Treasurer. In event, however, certain rewards or discounts are made available as an incentive for membership, they may be used by the membership at the discretion of the Company.

## **Section 6:**

To return to active field operations, any member who has been hospitalized for any reason, or who has asked for a medical leave of absence, must produce a signed letter to the primary Fire or EMS officer from a physician documenting fitness to perform fire or EMS service. If a member is returning to limited service, that information should also be documented in writing to the primary Fire or EMS officer. A member may not return

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to active service in the field without a physician's letter. In all cases, to protect patient confidentiality, no information about a member's health or medical condition will be released to the general membership of the Company. If a member is permanently disabled or unable to return to active duty within the Company, a member may request a change in status to Auxiliary Member or, if they meet the requirements, to Life Member.

## **Section 7:**

A member who has met the requirements of Probationary Member by completing Fire Fighter I or EMT, and has served at least one (1) year as a member of the Basking Ridge Fire Company No. 1, may request a leave of absence from the Company for business or personal reasons. This request must be submitted in writing to the primary Fire or EMS officer, stating the reason for the requested leave of absence. This request must be submitted to the Membership Committee for approval prior to being brought before the membership for a vote on the proposed leave of absence. To protect the member's right to privacy, confidential information will not be released to the general membership of the Company at the discretion of the Membership Committee, the Chief, EMS Captain, or President. A leave of absence may be granted to a member at the discretion of the Membership Committee, with approval by the general membership, for a period no longer than six (6) months. At the end of that period, the member's status shall be reevaluated by the Membership Committee for approval of an additional leave

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of six (6) months. If a member is unable to return to active duty with the Company, the member should request a change in status to Auxiliary Member, or if they meet the requirements, to Life Member, or resign from the Company as a member in good standing until the situation changes and the member is able to return to active duty with the Company.



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## ARTICLE XII – UNIFORM REGULATIONS

### Section 1:

The style of uniform shall be authorized by the Company and outlined in the Policy Guide. Any Fire member, having served the probationary period successfully and/or completed Firefighter 1, shall be entitled to a uniform at the expense of the Company. However, if, during the probationary period or active schooling, a member desires to purchase a uniform, he or she may do so at their own expense, which shall be reimbursed if and when the probationary period is served, or class completed, successfully.

### Section 2:

Uniforms, buttons, and all officers badges (except ex-Chief and ex-EMS Captain badges) shall remain the property of the Company.

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## ARTICLE XIII – DISCIPLINARY ACTION

### Section 1:

All disciplinary action involving the following:

Reporting to or leaving fires/EMS calls, drills, or parades; handling or misuse of apparatus, willful destruction of equipment, or theft of equipment; and unbecoming public conduct, insubordination, failure to perform duties, or any other matter under the Chief Officers' and EMS Captain's jurisdiction shall be dealt with as follows by the Chief Officer or EMS Captain:

- o Immediate Suspension of Member(s) - From any and all activities involving the Fire Company, including responding to emergency calls, drills, meetings, events and functions;

and / or

- o Immediately Suspend the Member(s) rights and privileges as outlined in the Policy Guide;

and / or

- o Limit the activities to which the Member(s) may attend/respond as deemed appropriate

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Initial duration of suspension / limitations, can be up to (30) days as deemed appropriate

In the event a member is suspended, they might be ordered to return all Fire Company supplied equipment, clothing, keys, pager, radios, etc.

If a Board of Inquiry (B.O.I.) shall be assembled with regards to these disciplinary proceedings, it shall consist of: The President, Chief, Vice President, Deputy Chief and Squad Captain of The Basking Ridge Fire Company.

- o If the Member of the B.O.I. is the same individual filing the charges or if they feel they cannot perform the duty for whatever reason, they shall recuse themselves from the Board and be substituted with the next highest-ranking Officer or Committee Member.
- o The Board of Inquiry shall make an attempt to reach the member that is being charged and perform an unbiased investigation of the charges being presented.

The Chief Officer / Squad Captain shall immediately inform the President of the situation and the actions taken, followed by a written description of the charges to be provided within (3) days.

Within (10) days of the initial charges, a Board of Inquiry (B.O.I.) can, but is NOT required to be assembled by the President to thoroughly investigate and determine if

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further disciplinary actions or early termination of the suspension / limitations are recommended.

If a B.O.I. is NOT assembled to further investigate, or the member(s) do NOT contest the suspension / limitations, then the determination of the Chief Officer(s) will stand.

The member(s) can return to their previous membership role in the fire company upon completion of the penalty, with no further action required.

If a B.O.I. is assembled and further disciplinary actions are recommended, then during the next scheduled business meeting the company will be informed of the B.O.I.'s findings. No action by the Company is required for the recommended actions to take effect. Any motion from the floor modifying the B.O.I. recommended disciplinary actions must pass with a  $\frac{2}{3}$  majority to take effect. The B.O.I. will present all evidence it considered to the Membership prior to a vote being taken.

The B.O.I. may recommend to the Fire Company:

- o Excuse with Reason
- o Suspension for more than (30) days
- o Expulsion from the Fire Company
- o Other penalties at the discretion of the B.O.I.

If the B.O.I. determines that the disciplinary action was unwarranted or too severe, the BOI may lift or modify the disciplinary action and the effect shall be immediate.

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The BOI shall present its findings at the next regular Monthly Business Meeting of the Company. No action by the Company is required for the recommended actions to take effect. Any motion from the floor modifying the B.O.I. recommended disciplinary actions must pass with a  $\frac{2}{3}$  majority to take effect.

The B.O.I. will present all evidence it considered to the Membership prior to a vote being taken.

If the suspended / limited member(s) feels they have been unfairly penalized and would like to contest the suspension / limitations, they must notify the President immediately. In this event, the President MUST assemble the B.O.I. within (10) days to provide a thorough investigation.

If the B.O.I. determines that the disciplinary action was warranted and justified, the disciplinary action will remain in effect and no further action by the Fire Company is required.

If the B.O.I. agrees with the member(s) and finds the Chief Officer / Squad Captain acted out of jurisdiction or inappropriately suspended / limited the member(s) the BOI may lift or modify the disciplinary action and the effect shall be immediate.

The BOI shall present its findings at the next regular Monthly Business Meeting of the Company. No action by the Company is required for the recommended actions to take

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effect. Any motion from the floor modifying the B.O.I. recommended disciplinary actions must pass with a  $\frac{2}{3}$  majority to take effect.

The B.O.I. will present all evidence it considered to the Membership prior to a vote being taken.

## SECTION 2:

Any disciplinary action involving attendance at meetings, theft, embezzlement, misuse of funds, drunkenness, underage drinking of alcoholic beverages, fighting, misuse of Company property, or any action not under the jurisdiction of the Chief shall be dealt with as follows:

Charges may be brought before the Company at a regular meeting and the individual or individuals shall be subject to review and appearance before a Board of Inquiry consisting of the Executive Committee. This Board may recommend to the Company:

- A. Excuse with Reason
- B. Suspension for thirty days or more
- C. Expulsion from the Company
- D. Other penalties at the discretion of the Board of Inquiry

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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The B.O.I. will provide a recommendation for discipline to the Fire Company. The discipline shall be rendered with no further action required unless a (2/3) vote by the eligible voting members in favor of modifying.

## **Section 3:**

Any member so charged has the right to appear before the Company on his/her own behalf before any action vote.

## **Section 4:**

If charges are brought against a member of either Board of Inquiry, his/her place on that Board may be taken by a member of the other Board.

## **Section 5:**

If charges have been preferred against a member, the Secretary shall give notice, in writing, within thirty (30) days of the charges to the individual or individuals. A

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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member's failure to respond in person or in writing after notification may be taken as an acceptance of the charges.

## **Section 6:**

Any Active Member neglecting to attend three (3) consecutive regular meetings or three (3) consecutive drills shall be notified by the Secretary to state the reasons for the absence via email by the next regular meeting or by attending the next regular meeting. Excused meeting absences will be determined by the Executive Committee. Failure to state such reasons may lead to disciplinary action.

## **Section 7:**

Every Field Officer holding special gold badges, lapel buttons, and hat strap and insignia and Drivers with silver lapel buttons shall turn them over to the Quartermasters by December 31 unless individual is remaining in the position for the next calendar year. Every Field Officer that is not returning to an office requiring gold uniform buttons shall turn them over to the Secretary at the next regular meeting following the annual meeting. Field Officers and Drivers dialing to comply with the regulations shall pay an automatic fine in the amount of \$25.00 and the value of the property, and be subject to suspension until the property is returned and the fine paid.

## **Section 8:**



# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Any member upon a verification of being under criminal indictment shall be temporarily suspended. Notice of suspension shall be in writing from the Secretary. Upon verification of conviction of a felony, the member shall be automatically (ipso facto) expelled from the Company. If acquitted of all charges, the member shall be immediately reinstated to full membership.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## ARTICLE XIV – EXPENDITURES

### Section 1:

All expenditures will be brought before the floor of the company at a business meeting for approval.

Each November, the Treasurer will present a proposed budget for a base spending plan for the subsequent calendar year. That proposed budget will be presented at the meeting and held for action till the Annual Meeting in December.

If the proposed or amended budget is passed, those base expenditures are approved for action by responsible Officers of Committee Chairs.

Any additional, unplanned expenses must come from the floor under New Business at any regular meeting.

And additional, unplanned, non-emergent expenses totaling \$10,000 or more will automatically be held for one business meeting before a vote.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## ARTICLE XV – RECEPTION CEREMONY

The Company will form a half circle and the President will say -

You are surrounded by members who have pledged themselves to the objectives of this Company, which are:

- The prevention and extinguishment of fires
- The promotion of EMS work
- To assist our neighboring communities when called upon by them

A fireman/EMS provider is often called upon to perform duties that may endanger their lives, so we must be very careful not to allow any person to enter our Company who would shirk a duty, no matter how dangerous it may seem. It is often the case that we are called to duty when it interferes with our pleasures, but a good fireman/EMS provider never lets pleasure keep them from their duty. My friend, we hope and trust that by admitting you we have added another good member to our Company.

We are all bound by an obligation that is binding in its nature. Are you willing to take such an obligation? (*Candidate will answer yes*) Then raise your right hand and repeat after me:

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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I (*Candidate's name*), do solemnly promise that I will do all in my power to promote the good of the Basking Ridge Fire Company No. 1. I will keep all the confidential matters and business of the Company from those not members of this Company; and no matter what I am asked to do, I will do it cheerfully as long as it pertains to the welfare of the Company and does not interfere with my religious or moral duties. I will never let my personal feelings interfere when the interest of the Company is at stake, and by breaking this obligation, I agree to forfeit all rights and privileges as a member of the Basking Ridge Fire Company No. 1. To the faithful performance of all this, I pledge my honor.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **ARTICLE XVI – AMENDMENTS**

### **Section 1:**

The Constitution and Bylaws of the Company shall not be revised, suspended, or amended, except at a regular meeting or special meeting. Notice of such revision or amendment shall be given, in writing, at a regular meeting or special meeting, and held over for one (1) month. If two-thirds of the Company present shall vote favorably, the same shall be adopted.

### **Section 2:**

If any section, paragraph, sentence, part, or word of these Bylaws of rendered unconstitutional or invalid by judicial decision, such decision shall not render any other part of these Bylaws unconstitutional or invalid.

### **Section 3:**

No Standing Rule, Bylaws Amendment, or Policy Guide Amendment will be passed by this organization that conflicts with federal or state statute, the Constitution or Charter of the Company, or its own Bylaws or Policy Guide.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **Section 4:**

The current Bylaws are to remain in full force, for the government of this Company, from the date of their approval, and by virtue of the same, all others are hereby repealed.

## **Section 5:**

To propose a Bylaws Amendment, a member or members in good standing shall submit it in writing to the Bylaws Committee at its regular monthly meeting. The proposed amendment will be presented at the next appropriate regular business or special meeting of the Basking Ridge Fire Company No. 1, in writing, accompanied by the signatures of the five (5) voting members.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **COPY OF CERTIFICATION OF INCORPORATION OF BASKING RIDGE FIRE COMPANY NO. 1**

This is to certify, that the undersigned to hereby associate themselves into a corporation under and by virtue of an act of the Legislature of the State of New Jersey entitled “An Act for the Incorporation of Fire Companies,” approved the twenty-first day of April, eighteen hundred and seventy-six.

### **FIRST:**

The name of corporation, chosen at a meeting and notice thereof published under the provisions of said Act is Basking Ridge Fire Company No. 1.

### **SECOND:**

This corporation is formed for the purpose of protecting life and property from fire.

### **THIRD:**

The names of the incorporators are: Charles M. Allen, James Walter Allen, John H. Sanders, John Cross, Fred A. Weyman, Thomas Ramsdale, David Y. Moore, William Berger, William Scheuerman, Fred Hand, William A. Bunn, John P. Kelly, and W.B. Craig.

And the period during which this corporation shall continue to exist is fifty years.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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In witness whereof we have heretofore set our hands and seals the sixth day of  
December A.D., 1906.

Charles M. Allen, Thomas Ramsdale

James Walter Allen, David Y. Moore

John Reginald Turner, William Berger

George H. Dobbs, Wm. L. Scheuerman

Raymond A. Henry, Fred Hand

Samuel A. Allen, Wm. H. Bunn

John H. Sanders, John P. Kelly

John Cross, W.B. Craig

F.A. Weyman

Signed, Sealed and delivered

In the presence of Wm J. Kearns

State of New Jersey

County of Somerset S.S.



# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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Be it remembered that on this sixth day of December A.D. 1906, before me a Master in Chancery of New Jersey personally appeared:

Charles M. Allen, James Walter Allen, George H. Dobbs, John Reginald Turner, Raymond A. Henry, Samuel A. Allen, John H. Sanders, John Cross, F.A. Weyman, Thomas Ramsdale, David Y. Moore, Wm. Berger, Wm. Scheuerman, Fred Hand, Wm. A. Bunn, John P. Kelly, and W.B. Craig.

Who I am satisfied are the persons named in and who executed the foregoing certificate and I having first made known to them the contents thereof. They did each acknowledge that they signed, sealed and purpose therein expressed.

Wm. J. Kearns,

Master in Chancery of New Jersey

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## **COPY OF CERTIFICATION OF INCORPORATION OF BASKING RIDGE FIRE COMPANY NO. 1 CORPORATE EXISTENCE CONTINUED IN PERPETUITY**

Whereas, by statute, whereby the Basking Ridge Fire Company No. 1 is incorporated, the period of corporate existence is limited to fifty (50) years (R.S. 15:8-1), and

Whereas, it is also provided by statute that the corporate existence may be continued in perpetuity by resolution adopted by the members of such fire company and filing of a certificate to such effect, and

Whereas, it is the desire of the members of this fire company to continue in perpetuity of our corporate existence;

Now therefore,

Be it resolved, at a regular meeting of the Basking Ridge Fire Company No. 1 by a vote of the members present, that it is hereby determined that the corporate existence of the Basking Ridge Fire Company No.1 be and is hereby continued in perpetuity, and

Be it further resolved that a certificate signed by our President and Secretary, under the company's corporate seal, acknowledged as in the case of deeds of real estate, be

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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recorded with the Clerk of the County of Somerset setting forth the passage of this resolution, to the end that the existence in perpetuity of this corporation be accomplished.

At a regular meeting of the Basking Ridge Fire Company No. 1 held on November 9, 1951, a motion was made, seconded and unanimously passed that the above resolution be adopted.

Signed,

Louis E. Clark, President

William L. Scheuerman, Jr., Secretary

Acknowledged and witnessed by Anthony P. Kearns, Master in the Court of Chancery of New Jersey.

# BASKING RIDGE FIRE CO. NO 1 BY-LAWS

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## SUMMARY OF RECENT AMENDMENTS

### **2019:**

- o Change to business and annual meeting start time
- o Change in timing and method of distribution of meeting minutes
- o Added exception for conversion of Junior member to Full in isolated cases
- o Added process for Membership Committee to address members not in good standing
- o Change to eligibility to run for select administrative offices
- o Changes to disciplinary action

### **2020:**

- Excused absences to meetings may be submitted via email to the secretary
- Removal of the training committee.
- Removal of the EMS Committee and addition of the Report of EMS Captain at meetings.



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

## Resolution #2021-0103

Extension of Resolution #2020-0261 of the Annual Electronic Commuter Parking Permit  
Expiring 02/28/2021 to a New Expiration Date of 08/31/2021

**WHEREAS**, Resolution #2020-0261 granted a six-month extension of the 2019-2020 annual season which coincided with the first half of the 2020-2021 season setting an expiration date of 02/28/2021; and

**WHEREAS**, the COVID-19 pandemic continues to affect public health, employment and economic security; and

**WHEREAS**, the current demand for commuter parking continues to remain low.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Bernards, hereby extends Resolution #2020-0261 for an additional six (6) month period with a new expiration date of 8/31/2021; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the cost for a resident purchasing a new electronic permit during the extension period will be charged at a rate of 50% less than the rate stipulated set by Resolution 2020-0395, or \$80.00, with all 2020-2021 permits expiring on 08/31/2021.

Agenda and Date Voted: 01/26/ 2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
Rhonda Pisano, Municipal Clerk

### EXPLANATORY STATEMENT

Due to COVID-19, there is currently low demand for parking in municipal owned commuter parking lots. Resolution #3020-0261 extended the permit expiration date until 02/28/2021 and this Resolution extends the expiration date to 08/31/2021. In addition, any new permits issued during this extension period, will be at a rate 50% less, or \$80.00, with permits expiring 08/31/2021.



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

## **Resolution #2021-0104**

Approving the Person-to-Person Transfer of Liquor License #1802-33-004-007  
3B, LLC (t/a The Vine) to Tropokos, LLC

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number #1802-33-004-007 heretofore issued to 3B, LLC (t/a The Vine) for premises located at 95 Morristown Road, Basking Ridge, NJ 07920; and

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards does hereby approve, effective 01/26/2021, the transfer of the aforesaid Plenary Retail Consumption License to Tropokos, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Tropokos, LLC, effective 01/26/2021.

Agenda and Date Voted: 01/26/2021

### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 01/26/2021.**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

### **EXPLANATORY STATEMENT**

This resolution authorizes a person-to-person transfer (change of ownership) of a liquor license located in Bernards Township at 95 Morristown Road, Basking Ridge, NJ 07920 from 3B, LLC (t/a The Vine) to Tropokos, LLC.

Date: 01/26/2021

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2021-0105

Authorizing and Approving Purchase of one (1) 2021 Jeep Renegade (BVJL74) Sport 4X4 from Educational Services Commission of NJ, ESC CO-OP #65MCESCCPS-ESCNJ 20/21-09 to Beyer of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960  
In the Amount Not to Exceed \$25,211.10

**WHEREAS**, the Township of Bernards Construction Department wishes to purchase one (1) 2021 Jeep Renegade Sport 4X4; and

| QTY | DESCRIPTION   | UNIT TOTAL         |
|-----|---|--------------------|
| 1   | 2021 Jeep Renegade Sport 4X4, Bright White                          | \$21,383.10        |
|     | <i>WITH ADDITIONAL OPTIONS</i>                                      |                    |
|     | Vehicle Undercoating  | \$495.00           |
|     | (4) Corner Amber LED Lights   | \$775.00           |
|     | Continental Ultra Extended Warranty 6 year/85K miles \$0 Deductible | \$2133.00          |
|     | Back Up Alarm   | \$250.00           |
|     | DELIVERY  | \$175.00           |
|     | <b>TOTAL</b>  | <b>\$25,211.10</b> |

**WHEREAS**, it is the combined recommendation of the Construction Official, Administrator and Purchasing Agent to award this purchase to; Beyer of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960 in the amount of \$25,211.10; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #1-01-22-195-252; and

**WHEREAS**, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and -12.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for one (1) 2021 Jeep Renegade Sport 4X4 to Beyer of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960 in the amount not to exceed \$25,211.10.

Agenda and Date Voted: 01/26/2021

### CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$25,211.10. Monies are available in the Construction Department line account #1-01-22-195-252.

Date: January 15, 2021

Sean McCarthy, Chief Financial Officer

**EXPLANATORY STATEMENT**

This replacement is in accordance with the Township Fleet Replacement Program and expenditure of construction code fees. We are replacing a 2015 Jeep Patriot.

*Dennis Bettler*

Date: 1/15/2021

Dennis Bettler, C.B.O., Construction Official

**Purchasing Certification:**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

*Francis J. Decibus*  
*For Purchasing Agent*

Francis J. Decibus, QPA  
Purchasing Agent

Date: January 15, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
Rhonda Pisano, Municipal Clerk





# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0106**

### **Personnel Appointment**

Joseph Shreve – Laborer – Department of Public Works

**WHEREAS**, a full time Laborer position became available due to a retirement; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

**WHEREAS**, Joseph Shreve has applied for and is qualified to fill said position; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Joseph Shreve to full-time Laborer.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Joseph Shreve be appointed full-time Laborer with a hire date of Monday, February 1, 2021 at an hourly rate of \$15.09 for a 40-hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

Agenda and Dated Voted: 01/26/2021

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
Rhonda Pisano, Municipal Clerk

#### **EXPLANATORY STATEMENT**

A Laborer position became available due to a retirement within the Roads Division. The position was posted and advertised according to township policy. Joseph Shreve applied for the position and is qualified to fill said position. Mr. Shreve comes to Bernards Township with experience in maintenance, construction and road work.

Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0107**

### **Personnel Appointment**

Marc Chisholm – Equipment Operator – Public Works Department

**WHEREAS**, the full time Equipment Operator position became vacant due to a retirement; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator and Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

**WHEREAS**, Marc Chisholm has applied for and is qualified to fill said position; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator and Chief Financial Officer and Human Resources Manager recommend appointment of Marc Chisholm to full-time Equipment Operator.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Marc Chisholm be appointed full-time Equipment Operator with a promotion date of Wednesday, January 27, 2021 at an hourly rate of \$35.90 for a 40-hour work week.

Agenda and Date Voted: 01/26/2021

#### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

#### **EXPLANATORY STATEMENT**

The Equipment Operator position became available due to a retirement in the Public Works Department. The position was approved and advertised as per Township policy. Marc Chisholm applied for the position and is qualified to fill said position. Mr. Chisholm has worked for Bernards Township Department of Public Works since 2004.  
Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0108**

### **Personnel Appointment**

Danielle Gaebele – Administrative Associate – Tax Collector/Finance

**WHEREAS**, a full-time Administrative Associate position became available due to a retirement; and

**WHEREAS**, the Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

**WHEREAS**, Danielle Gaebele has applied for and is qualified to fill said position; and

**WHEREAS**, the Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Danielle Gaebele to full-time Administrative Associate.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that Danielle Gaebele be appointed full-time Administrative Associate with a hire date of Tuesday, February 16, 2021 at an hourly rate of \$20.91 for a 40-hour work week.

Agenda and Date Voted: 01/26/2021

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

#### **EXPLANATORY STATEMENT**

An Administrative Associate position became available due to a retirement within the Tax Collector/Finance Departments. The position was posted and advertised according to township policy. Danielle Gaebele applied for the position and is qualified to fill said position. Ms. Gaebele comes to Bernards Township with experience in tax collection/finance work.

Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0109**

### **Personnel Appointment**

Stephen Sant'Angelo – Truck Driver – Public Works Department

**WHEREAS**, the full time Truck Driver position became vacant due to a promotion; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

**WHEREAS**, Stephen Sant'Angelo has applied for and is qualified to fill said position; and

**WHEREAS**, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Stephen Sant'Angelo to full time Truck Driver.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that Stephen Sant'Angelo be appointed full-time Truck Driver with a promotion date of Wednesday, January 27, 2021 at an hourly rate of \$19.78 for a 40-hour work week.

Agenda and Date Voted: 01/26/2021

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021.

\_\_\_\_\_  
Rhonda Pisano, Municipal Clerk

#### **EXPLANATORY STATEMENT**

The Truck Driver position became available due to a promotion in the Public Works Department. The position was approved and advertised as per Township policy. Stephen Sant'Angelo applied for the position and is qualified to fill said position. Mr. Sant'Angelo has worked for the Bernards Township Department of Public Works since 2016.  
Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **Resolution #2021-0110**

### Acceptance of the Construction Official's 2020 Annual Report

**WHEREAS**, pursuant to §12-1.4. of the Revised General Ordinances of the Township of Bernards, the Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act; and

**WHEREAS**, the 2020 annual report has been submitted as required.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following 2020 Annual Report of the Construction Official be accepted as submitted.

- **Applications received and reviewed: 2210**
- **Permits issued: 1906**
- **Permit updates issued: 155**
- **Additions: 40**
- **Alterations: 1951**
- **New single-family unit permits: 6**
- **Single family demolition permits: 9**
- **Certificates of Occupancy issued: 26**
- **Certificates of Approval issued: 1174**
- **Inspections conducted: 5294**
- **Penalties Collected: \$ 14,150**
- **Revenue: \$ 977,571.00**
- **Expenditures: \$ 745,685.94**

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|                | 2016 | 2017 | 2018 | 2019 | 2020 |
|----------------|------|------|------|------|------|
| Applications   | 2605 | 2555 | 2389 | 2280 | 2210 |
| Permit Issued  | 2302 | 2247 | 2136 | 2046 | 1906 |
| Permit Updates | 300  | 278  | 242  | 241  | 155  |
| Additions      | 63   | 57   | 45   | 46   | 40   |

|                           |              |              |            |            |            |
|---------------------------|--------------|--------------|------------|------------|------------|
| Alterations               | 2444         | 2387         | 2248       | 2166       | 1951       |
| New Single Family permits | 14           | 9            | 8          | 5          | 6          |
| Single Family Demolitions | 4            | 3            | 7          | 6          | 9          |
| Certificates of Occupancy | 81           | 71           | 62         | 64         | 26         |
| Certificates of Approval  | 2000         | 2141         | 1480       | 2029       | 1174       |
| Inspections               | 7208         | 7338         | 6872       | 6611       | 5294       |
| Penalties revenue         | 5,400.00     | 11,800.00    | 8,600.00   | 11,300.00  | 14,150.00  |
| Revenue                   | 1,302,799.17 | 1,653,321.00 | 874,994.00 | 644,254.00 | 977,571.00 |
| Expenditures              | 668,417.17   | 802,662.71   | 861,478.12 | 775,116.46 | 745,685.94 |

Highlights:

- Other than a brief period from April 8 to May 13 where non-essential construction was ordered to cease by Executive order, construction activity has been above average.
- Our office continued to provide services through the shut down by working remotely. Our staff worked staggered days with split teams in the Township performing inspections, permit review and issuing permits throughout the period.
- Construction Department staff fully returned to work on May 26 in order to keep up with the increased volume of activity.
- During the network disruption the software vendor worked along with our IT Department and hosted our permit software remotely allowing our department to continue to function seamlessly whether working from home or in the office.
- We have enhanced our web services.
- All our permit handouts on the township web site include fillable PDF's of the correct forms for the project the customer is planning.
- For the first time we are offering on-line inspection requests through the SDL Portal. Customers can request inspections 24/7 and choose from 3 dates. Our staff then schedules the inspection and the customer automatically receives notification of the scheduled day for their inspection. Limiting "phone tag" back and forth.
- We are also launching on-line permit applications through the SDL Portal, which will greatly enhance the customer experience as well as limit submittal of incomplete applications.
- Due to some regulatory changes to the code, I will be submitting some revisions to the construction code fee ordinance in the next few weeks.

Agenda Date and Vote: 01/26/2021

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 01/26/2021**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2021-0111

Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to  
Deborah J. Appleton, 3309 Balsam Way, Block 9001, Lot 33.02  
in the Amount of Seven Thousand Six Hundred Forty-Three (\$7,643.00) Dollars

**WHEREAS**, Deborah J. Appleton, single (the "Homeowner") is the contract purchasers of property designated as Lot 33.09 in Block 9001 (*formerly identified as Lot 33.09 in Block 178.03*) on the Tax Map of the Township of Bernards in the County of Somerset, State of New Jersey, commonly known as 3309 Balsam Way (the "Property"); and

**WHEREAS**, the Homeowner seeks monetary assistance in the form of a grant through the Bernards Township Housing Down Payment Affordability Assistance Program for the purpose of buying an Affordable Unit; and

**WHEREAS**, the Homeowner was awarded a down payment assistance grant by Resolution 2020-0369 on November 10, 2020 to purchase 4109 Hackleberry Square, but the sale never happened, and the money was not awarded; and

**WHEREAS**, the Township has an authorized down payment affordability assistance program pursuant to Ordinance #2420, Section 21.85.3d.; and

**WHEREAS**, the maximum amount of any Township grant shall not exceed \$8,000 and the Township shall not award more than four grants per calendar year; and

**WHEREAS**, based on the requirements of Ordinance #2420, the Homeowner has met the obligations for and is entitled to a Seven Thousand Six Hundred Forty-Three Dollars (\$7,643.00) grant (the "Grant").

**NOW, THEREFORE, BE IT RESOLVED THAT** the Township Committee of Bernards Township, County of Somerset, hereby authorizes the Grant provided the Homeowner occupy the Affordable Unit as a principle residence and own no other real property or dwelling.

Agenda and Date Voted: 01/26/2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 01/26/2021

Rhonda Pisano, Municipal Clerk

### EXPLANATORY STATEMENT:

There is established a down payment affordability assistance program, funded by developer fees, payable only from the Township Housing Trust Fund and administered through the Township of Bernards affordable housing program, for purchasers who seek to purchase low- or moderate-income condominium units as part of program. Prospective homeowners will not receive direct funds. Funds will be made available at closing to the appropriate attorney trust account. The assistance dollars will be supplied to the appropriate entity/entities.

Susan Long, Municipal Housing Liaison

### CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced expenditure in the amount not to exceed \$7,643.00. Monies are available in the 2021 Affordable Housing Trust Fund line acct # T-13-56-055-COA.

Date: January 20, 2021

Sean McCarthy, Chief Financial Officer