

**BOROUGH OF NETCONG
MAYOR AND COUNCIL MEETING
JANUARY 11, 2024**

MINUTES OF THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NETCONG HELD JANUARY 11, 2024 AT THE NETCONG MUNICIPAL BUILDING, 23 MAPLE AVENUE, NETCONG, NEW JERSEY COMMENCING AT 7:30 PM.

The meeting was called to order by Mayor Still at 7:30 PM.

PLEDGE OF ALLEGIANCE

STATEMENT OF OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the following statement:
Adequate notice of this meeting as defined by the Open Public Meetings Act has been provided by:

1. Posting a notice of said meeting in the space provided for
Such announcements at the Borough Hall on January 5, 2024.
2. Publishing a notice in the Daily Record, the official newspaper
of the Borough of Netcong on January 10, 2024 and emailing a
copy to the Star Ledger on January 5, 2024.

ROLL CALL

Those in attendance this evening were Councilman Albensi, Councilman Hathaway, Councilman Morton, Councilman Still, Councilman Sylvester and Mayor Nametko. Also present was Mr. Blakeslee, Borough Administrator and Mrs. Eckert, Borough Clerk

APPROVAL OF MINUTES

- Agenda Meeting – December 7, 2023
- Regular Meeting – December 14, 2023

A Motion was made by Councilman Sylvester and seconded by Councilman Morton to approve the minutes.

Roll Call: 6 Yes

PRESENTATION BY PAUL PHILLIPS

REGARDING MAIN STREET REDEVELOPMENT PROJECT.

Mr. Paul Philips, Borough Planner stepped forward to provide details about a redevelopment plan for five lots on the corner of Maple and Main St. The Council had deemed it an area in need of rehabilitation. He gave details on the history of the process for this project thus far. He gave details on the laws for this type of project. For an area of

rehabilitation there is no ability for PILOTs or eminent domain. He gave details on the proposed building for this project and on this rehabilitation plan which include a variety of commercial units on the ground floor and residential units on the upper floor. He talked about affordable housing. There is a restriction of 3 stories. A decorative corner element that can rise above the height restriction will be allowed. He discussed the setbacks to allow for sidewalk areas. He gave details about the parking ratios based on bedroom numbers in the residential units. He talked about tandem parking spaces. There is a possibility of smart parking barriers which can be operated by cell phones. Questions on this issue can be addressed at the planning board level. There will be electric car charging stations and loading space for the commercial units. He gave details on the roofline requirements, windows, balconies, screening of mechanical equipment, signage etc. This is intended to be an overlay district which only covers the 5 properties. There is a requirement for a redevelopment agreement with this project. There are renderings of the design in the back of the plan.

Councilman Sylvester asked what the set back is on the sidewalks. The response was: 12-14 feet. There is a requirement in the plan to make the corner setbacks enhanced to allow for safe travel by pedestrians. Councilman Sylvester also asked about parking spots outside of the area. It was stated the tandem spaces are for residential only and will be assigned. The standard for the retail spaces is a minimum of 20 for the 6000 square feet which is good for a downtown area. Councilman Nametko asked if the tandem parking was 2 deep. Mr. Phillips stated 'yes.' The tandem parking will go per unit. Councilman Hathaway added more details on the total spaces: 83 spaces plus 12 tandem spaces with a total of 95 spaces. There was further discussion on the parking standards. Councilman Hathaway provided several comments on what was discussed at the EDC meeting. There were no further questions from the Council. Mr. Philips thanked the Council for their time.

PUBLIC PORTION OF MEETING

Mr. Wayne Anthony, OEM Coordinator, wanted to thank our DPW for their efforts during the most recent storm. A resident had called with concerns of the snow blocking the drain by his house. DPW came immediately to clear the drain. He had another call from Mr. Rush, the fire department came to pump out his basement. Tim Hess, DPW came and pumped out the water. He is very grateful for our DPW.

Mr. Henderson, 20 Dell Ave., noted that there is a pipe that runs through the side of his property and a garden that has dropped 2 feet. The pipe runs through his yard. He had a large amount of water and his sump pump could not keep up with this past storm and would like to know if something can be done with this pipe. The mayor stated Mr. Blakeslee is working with our DPW to mitigate this issue. The mayor stated 'we will get back to you as soon as possible.

Mr. Anthony, Dell Ave., provided a description of where this pipe runs. The water seems to be coming from the Village Place. He added more details about this issue. He is concerned the project at the Village Place is not being done correctly. Councilman

Nametko also commented on this issue. The work at the Village Place has been stopped but should resume soon.

Mr. Matthew Eddy, 25 Flanders Rd., read a statement regarding the St. Michael redevelopment plan and PILOT. He will be presenting a petition to the Council representing the residents who do not want this project once he has visited all residents in town.

Mr. Pat Kunkel, 15 Church St., is here because he is concerned about the parking issues with the proposed redevelopment for Main and Maple. He explained his concerns. Councilman Hathaway stated he does not necessarily disagree with Mr. Kunkel but they are taking into account the opinion of the planner on this issue. He stated there would be additional parking in the evening when the commercial units are closed. He gave details on the discussions that had taken place at the EDC meeting on this issue. There was further discussion on this issue.

Mr. Eddy asked if this new project will be a PILOT program. Councilman Hathaway stated it will not. It can be subject to a 5-year abatement. Mr. Eddy asked how this will affect the taxpayers of Netcong. Councilman Hathaway stated PILOT programs collect more taxes than a non-PILOT program.

Councilman Laureys asked if the school would not get this money. Councilman Hathaway described how the school budget works. There was discussion among the Council about this issue. It was noted that the school gets their budget funded first.

Councilman Sylvester had questions about the school budget. Councilman Hathaway gave further explanation.

A Motion to Close the Meeting to the Public was made by Councilman Nametko and seconded by Councilman Morton.

Roll Call: 6 Yes

ORDINANCE ADOPTIONS

None presented

CORRESPONDENCE

Letter from the Department of Transportation: Notice of Intent to Renew an Aeronautical Facility License for Great Northern Heliport.

The mayor asked what this was for. Mr. Blakeslee stated it is for the medical helicopter.

BOROUGH ADMINISTRATOR REPORT

Councilman Sylvester had questions about the change orders. Mr. Blakeslee answered his questions.

COMMITTEE REPORTS

Finance & Insurance: J. Nametko J. Sylvester

For the month of December 2023, the Borough had a total income of \$308,765.03 as compared to \$111,888.03 in December 2022.

For the month of December 2023:

Miscellaneous Revenue Not Anticipated (MRNA):

In 2023 the Borough received \$2,635.75 compared to \$7,086.95 in 2022.

Other Licenses/Borough Clerk's Fees:

The Borough received \$57,854.23 in 2023 compared to \$24,862.33 in 2022.

State Aid:

The Borough received \$21,827.78 in state aid in 2023 and \$20,642.19 in 2022.

Grants in Aid:

There was \$48,392.78 awarded in 2023 for Grants in Aid and \$1,198.32 awarded in 2022.

Taxes Collected:

The Borough collected \$178,054.49 in 2023 compared to \$58,098.24 in 2022.

Income Total Year to Date:

The Total Income Year for 2023 is \$12,803,714.08 as opposed to \$12,051,798.02 in 2022.

Economic Development: R. Hathaway J. Nametko

Councilman Hathaway stated there is nothing since the last meeting along with what Paul Philips presented tonight.

Public Safety: J. Sylvester T. Laureys
(Police, Fire, Rescue)

Fire Department:

Total Calls: 17

Drills: 2

Total Members: 47

Total Time Volunteered: 536 hours and 23 minutes

Fire Protection

Total Inspections: 23
Total Violations: 4
Permits: 2
Penalties Issued: 2
Admin: 3
Bureau Monthly Hours: 76 hours

Councilman Sylvester noted that this group is now self-sufficient financially.

Police Department

Total calls for service: 646
traffic enforcement: 97
building /property check:121
Administrative duties: 83
Radar: 53

Dept. of Public

Works & Utilities: J. Albensi R. Hathaway

Road Department:

Continued assembly and distribution of new garbage cans....Performed final leaf and brush runs....Cleaned leaves off of Borough curb lines... Started cleaning catch basins....

Water Department:

Repaired water main leak near 64 Koclas....Repaired a water service line leak on Bank St....Repaired a water service line leak on Center St....

Buildings & Grounds:

Fixed stairs and cleaned and stained the holiday stage....Resolved fire official corrections in Borough buildings....Cleaned Borough Hall property.....

Snow:

Worked on prepping all the snow and salting equipment...

Other:

Mike Canfield attended the 4th Quarter safety meeting.

Recreation: T. Morton J. Albensi

Councilman Morton is working on the St. Patrick's Day breakfast and Easter Egg hunt for March.

Public Services: T. Laureys T. Morton

(Human Services
Recycling & Solid
Waste Disposal)
Dial A Ride Report for December

Days Of Service: 20
Miles: 1019
Number Of Stops: 83
Nutrition For One Person: 12
Food Shopping: 28
Number Of Meals on Wheels: 12
Medical Appointments: 59
Other Appointments: 28
People Using Services: 34
Cancels: 9
Denials: 0
Units: 222
Hours: 82.5

OLD BUSINESS

None presented.

NEW BUSINESS

None presented.

PRIVILEGE OF THE FLOOR TO THE COUNCIL

Council President Sylvester reported that tomorrow from 10:00 to 12:00PM is the first meeting of the new senior's club, all 55 and over are welcome to attend.

Councilman Sylvester also asked if our infrastructure can handle these major redevelopment projects? We are on the edge with water and sewer. The water is especially an issue. Mr Hess provided a count of the gallons being pumped at this time. Councilman Nametko is concerned about a laundromat coming into this new facility. Mr. Bucco explained how gallon usage is determined. Councilman Hathaway stated our engineer has spent much time studying this and that we are still within our limits. He gave details on this firm capacity. In the absence of another well we will be thin on firm capacity. There was further discussion on this issue among the Council. Councilman Nametko stated we are now pulling water from an aquifer that is not in Netcong. We have one in Netcong, could we consider drilling in our own town? Mr. Blakeslee responded to that question.

Councilman Hathaway stated we may be able to work with the DEP on this issue. He stated we have been working on this for a year now. There was further discussion on this issue.

Councilman Laureys asked about the calendar.

MAYOR'S COMMENTS

The mayor complimented the fire department and how they have been helping with the water issues and kudos to them and our police.

RESOLUTIONS

1. **Resolution 2024-22-** Resolution Of The Borough Council Of The Borough Of Netcong Authorizing A Change Order To The Contract With American Asphalt & Trucking, LLC For The Koclas Drive Road Improvement Project
2. **Resolution 2024-23** – Resolution Of The Borough Council Of The Borough Of Netcong Authorizing A Change Order To The Contract With P.M. Construction Corporation For The Hillside Avenue Watermain Replacement Project
3. **Resolution 2024-24-** North Jersey Municipal Employee Benefits Fund Resolution to Renew
4. **Resolution 2024-25-** Appoint Christine Dell Orto as Alternate Crossing Guard
5. **Resolution 2024-26-** A Resolution Confirming The Sale Of Public Property, No Longer Needed For Public Use, Located In The Borough Of Netcong (Block 22 Lot 15.03)
6. **Resolution 2024-27-** A Resolution Confirming The Sale Of Public Property, No Longer Needed For Public Use, Located In The Borough Of Netcong (Block 22 Lot 15.04)
7. **Resolution 2024-28 -** A Resolution Authorizing The Award Of A Contract To American Asphalt & Trucking, LLC For The Center Street Road Improvement Project In The Borough Of Netcong, Morris County, New Jersey
8. **Resolution 2024-29 -** Resolution Of The Borough Of Netcong, County Of Morris, State Of New Jersey, Authorizing A Determination Regarding The Provision Of Municipal Services To Properties Traversing The Municipal Boundary Line Between The Township Of Roxbury And The Borough Of Netcong
9. **Resolution 2024-30** – To Redeem Tax Sale Certificate 22-000001- 57 Wiltop Rd.
10. **Resolution 2024-31** -A Resolution Authorizing The Execution Of A Shared Services Agreement With The Borough Of Hopatcong For Animal Control Services

A Motion was made by Councilman Hathaway and seconded by Councilman Nametko to approve the ten resolutions noted above.

Roll Call: 6 Yes

ORDINANCE INTRODUCTIONS

1. **Ordinance 2024-1** – AN ORDINANCE TO AMEND CHAPTER 243 “GARBAGE, RUBBISH AND REFUSE” AND CHAPTER 155 “FEES” OF THE CODE OF THE BOROUGH OF NETCONG.

A Motion to Introduce Ordinance #2024-01- and Read by Title Only was made by Councilman Nametko and seconded by Councilman Hathaway.
Roll Call: 6 Yes

A Motion to Pass Ordinance #2024-01- on First Reading was made by Councilman Hathaway and seconded by Councilman Morton.
Roll Call: 6 Yes

2. **Ordinance 2024-02** – An Ordinance Adopting A Redevelopment Plan Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1, Et Seq. For Property Located At Block15, Lots 29, 30, 31, 32 And 33

A Motion to Introduce Ordinance #2024-02- and Read by Title Only was made by Councilman Hathaway and seconded by Councilman Nametko.
Roll Call: 4 Yes No: Councilmen Albensi, Laureys and Morton

A Motion to Pass Ordinance #2024-02- on First Reading was made by Councilman Hathaway and seconded by Councilman Nametko.
Roll Call: 4 Yes No: Councilmen Albensi, Laureys and Morton

Councilman Laureys had comments regarding this project. He is concerned with the parking and traffic as well as a larger number of new residents and greater police and other services. He gave further comments on his concerns. He sees potential problems with this project.

3. **Ordinance 2024-03** – An Ordinance Repealing Article XII Of Chapter 194 And Adopting New Chapter 246, “Stormwater Control”, Of The Revised General Ordinances Of The Borough Of Netcong To Include New Articles Concerning Stormwater Control And Salt Storage On Privately Owned Property.

A Motion to Introduce Ordinance #2024-03- and Read by Title Only was made by Councilman Hathaway and seconded by Councilman Morton.
Roll Call: 6 Yes

A Motion to Pass Ordinance #2024-03- on First Reading was made by Councilman Hathaway and seconded by Councilman Sylvester.
Roll Call: 6 Yes

Councilman Hathaway stated this is compulsory and we cannot vote no. He stated this will be a hardship for the residents of our town. The state is overreaching on this. Councilman Laureys agreed with Councilman Hathaway.

Proclamations

None presented.

REPORTS

A Motion to Incorporate All Reports into the Minutes was made by Councilman Sylvester and seconded by Councilman Hathaway.

Roll Call: 6 Yes

BILLS

A Motion to Pay All Bills When Funds are Available was made by Councilman Nametko and seconded by Councilman Sylvester.

Roll Call: 6 Yes

Mr. Blakeslee wished to add something he missed from his report earlier regarding the damage done to Hilts Lane. Mr. Hess had his crew there today doing some patching of the damage.

There is a call in to NJ Transit on this issue. Councilman Sylvester suggested a letter of intent to sue is in order. The mayor stated we will have a meeting with NJ Transit and others to resolve this issue. Mr. Bucco made a statement on how to handle this. There was further discussion among the Council on this. Mr. Blakeslee and Mr. Bucco will handle this.

PUBLIC PORTION OF MEETING

Mrs. Bernadette Dalessandro, 32 Barone St., is here about the PILOT programs. She provided specific financial details regarding the PILOT programs. She wanted to know why this money is not being given back to the taxpayers. With St. Michaels, why would you consider another PILOT instead of regular taxes. The mayor stated the PILOT money will be used to pay off debt or other issues which will keep taxes from being raised. The mayor realizes residents consider garbage and water/sewer a tax but it is not. It is a utility. The mayor stated we are trying to help the residents, not take money from them. All money collected is used for the residents. Councilman Nametko explained why there is a garbage utility. The money collected for the garbage is only used for that utility. Councilman Sylvester stated the new utility must be done for a full year before forgiven bills can be provided for seniors and disabled vets. Mrs. Dalessandro continued to comment on PILOTS including her concerns for bonding. Discussion among the Council and Mrs. Dalessandro continued on this issue.

Mr. Matthew Eddy, 25 Flanders Rd., asked about the recycling center. He wanted to ramp up mitigation of rodent issues. He noticed a large rat made its way into his house. It was noted that Councilman Hathaway reviewed the procedure for the extermination company with Mr. Blakeslee. Mr. Blakeslee has reached out to pest control to take care of this issue.

A Motion to Close the Meeting to the Public was made by Councilman Nametko and seconded by Councilman Hathaway.

Roll Call: 6 Yes

Mr. Bucco gave his annual accounting of the votes for the year 2023 and disbursed candy to those with the most votes.

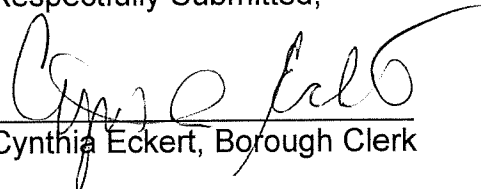
CLOSED SESSION

There was no closed session this evening.

ADJOURNMENT

A Motion to Adjourn the Meeting was made by Councilman Sylvester and seconded by Councilman Hathaway at 9:00PM. The motion was passed with unanimous voice vote.

Respectfully Submitted,


Cynthia Eckert, Borough Clerk

RESOLUTION 2024-22

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NETCONG
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH AMERICAN
ASPHALT & TRUCKING, LLC FOR THE KOCLAS DRIVE ROAD IMPROVEMENT
PROJECT**

WHEREAS, the Borough Council of the Borough of Netcong awarded a contract to American Asphalt & Trucking, LLC for the Koclas Drive Road Improvement Project in the amount of \$184,627.33 on February 10, 2023;

WHEREAS, the Koclas Drive Road Improvement Project was performed and completed by American Asphalt & Trucking, LLC in Spring and Fall of 2023;

WHEREAS, the as-built amount completed and billed by American Asphalt & Trucking, LLC is \$177,668.60, a decrease of \$5,653.62 from the awarded contract of \$184,627.33;

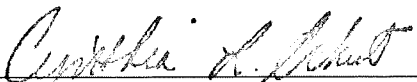
WHEREAS, the decrease is based on as-built field measurements and quantities for the project.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, County of Morris, State of New Jersey that it hereby approves the Change Order amending the final Contract amount to \$177,668.60.

Adopted: January 11, 2024

BOROUGH OF NETCONG IN
THE COUNTY OF MORRIS

Attest:



Cynthia L. Eckert, Borough Clerk

By 

Elmer M. Still, Mayor

RESOLUTION 2024-23

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NETCONG
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH P.M.
CONSTRUCTION CORPORATION FOR THE HILLSIDE AVENUE WATERMAIN
REPLACEMENT PROJECT**

WHEREAS, the Borough Council of the Borough of Netcong awarded a contract to P.M. Construction Corporation for the Hillside Avenue Watermain Replacement Project in the amount of \$212,145.20;

WHEREAS, the Hillside Avenue Watermain Replacement Project was performed and completed by P.M. Construction Corporation in Spring and Fall of 2023;

WHEREAS, the as-built amount completed and billed by P.M. Construction Corporation, is \$215,310.00, an increase of \$3,164.80 from the awarded contract of \$212,145.20;

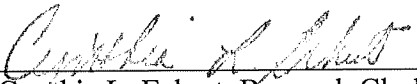
WHEREAS, the increase is based on as-built field measurements and quantities for the project.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, County of Morris, State of New Jersey that it hereby approves the Change Order amending the final Contract amount to \$215,310.00.

Adopted: January 11, 2024

BOROUGH OF NETCONG IN
THE COUNTY OF MORRIS

Attest:


Cynthia L. Eckert, Borough Clerk

By 
Elmer M. Still, Mayor

RESOLUTION 2024-23

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NETCONG
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH P.M.
CONSTRUCTION CORPORATION FOR THE HILLSIDE AVENUE WATERMAIN
REPLACEMENT PROJECT**

WHEREAS, the Borough Council of the Borough of Netcong awarded a contract to P.M. Construction Corporation for the Hillside Avenue Watermain Replacement Project in the amount of \$212,145.20;

WHEREAS, the Hillside Avenue Watermain Replacement Project was performed and completed by P.M. Construction Corporation in Spring and Fall of 2023;

WHEREAS, the as-built amount completed and billed by P.M. Construction Corporation, is \$215,310.00, an increase of \$3,164.80 from the awarded contract of \$212,145.20;

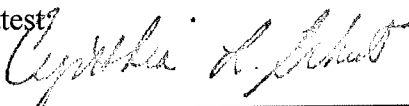
WHEREAS, the increase is based on as-built field measurements and quantities for the project.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, County of Morris, State of New Jersey that it hereby approves the Change Order amending the final Contract amount to \$215,310.00.

Adopted: January 11, 2024


BOROUGH OF NETCONG IN
THE COUNTY OF MORRIS

Attest:



Cynthia L. Eckert, Borough Clerk

By



Elmer M. Still, Mayor

RESOLUTION NO. 2024-24

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
RESOLUTION to RENEW**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the **Borough of Netcong**, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

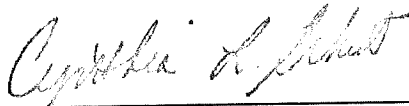
ADOPTED: January 11 2024

BY:



Elmer Still, Mayor

ATTEST:



Cynthia L. Eckert, Borough Clerk

RESOLUTION #2024-25

BE IT RESOLVED, by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey as follows:

1. The following appointment be and is hereby made:

Christine Dell Orto, as an Alternate Crossing Guard effective,

January 12, 2024 at a salary of \$18.31 per hour, payable semi-monthly.

2. This resolution shall take effect immediately.

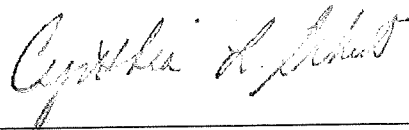
BOROUGH OF NETCONG

By: 

Elmer Still, Mayor

Dated:

I, Cynthia L. Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough of Netcong at a meeting held on January 11, 2024.



Cynthia Eckert, Borough Clerk

**A RESOLUTION CONFIRMING THE SALE OF PUBLIC
PROPERTY, NO LONGER NEEDED FOR PUBLIC USE,
LOCATED IN THE BOROUGH OF NETCONG
(BLOCK 22 LOT 15.03)**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes municipalities to sell real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough Council of the Borough of Netcong adopted Ordinance No. 2023-15 authorizing the sale of Block 22, Lot 15.03, pursuant to N.J.S.A. 40A:12-13 by auction, with a right of first refusal to the contiguous property owners; and

WHEREAS, one bid was received for this property from the contiguous property owners on November 29, 2023 in an amount meeting the starting minimum advertised bid amount; and

WHEREAS, the Borough Council finds that it is in the best interest of the Borough to accept the bid.

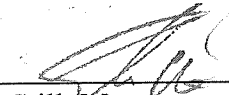
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, that the following bid is hereby accepted and that the appropriate municipal officials are hereby authorized and directed to prepare and execute a Deed conveying said property to the following contiguous property owner in accordance with the terms and conditions set forth in Borough Ordinance No. 2023-15:

Block 22 Lot 15.03; amount: \$5,000.00; Name: Pellegrino and Stefania Polo

This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

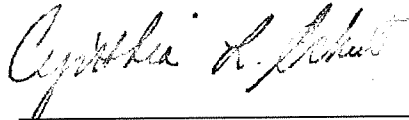


Elmer Still, Mayor

Dated:

CERTIFICATION

I, Cindy Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on January 11, 2024.



Cynthia Eckert, Borough Clerk

**A RESOLUTION CONFIRMING THE SALE OF PUBLIC
PROPERTY, NO LONGER NEEDED FOR PUBLIC USE,
LOCATED IN THE BOROUGH OF NETCONG
(BLOCK 22 LOT 15.04)**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes municipalities to sell real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough Council of the Borough of Netcong adopted Ordinance No. 2023-15 authorizing the sale of Block 22, Lot 15.04, pursuant to N.J.S.A. 40A:12-13 by auction, with a right of first refusal to the contiguous property owners; and

WHEREAS, one bid was received for this property from the contiguous property owners on November 29, 2023 in an amount meeting the starting minimum advertised bid amount; and

WHEREAS, the Borough Council finds that it is in the best interest of the Borough to accept the bid.

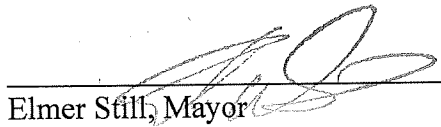
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, that the following bid is hereby accepted and that the appropriate municipal officials are hereby authorized and directed to prepare and execute a Deed conveying said property to the following contiguous property owner in accordance with the terms and conditions set forth in Borough Ordinance No. 2023-15:

Block 22 Lot 15.04; amount: \$5,000.00; Name: Thomas and Lorraine Falconer

This Resolution shall take effect immediately.

BOROUGH OF NETCONG

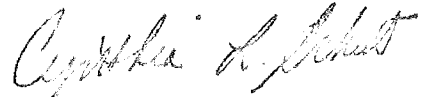
By:


Elmer Still, Mayor

Dated:

CERTIFICATION

I, Cindy Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on January 11, 2024.


Cynthia Eckert, Borough Clerk

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO AMERICAN ASPHALT & TRUCKING, LLC FOR THE CENTER STREET ROAD IMPROVEMENT PROJECT IN THE BOROUGH OF NETCONG, MORRIS COUNTY, NEW JERSEY

WHEREAS, the Borough of Netcong solicited bids for the Center Street Road Improvement Project; and

WHEREAS, the Borough Clerk, on December 20, 2023, received eight (8) bids for the above-referenced project; and

WHEREAS, American Asphalt & Trucking, LLC submitted the lowest responsible and responsive bid pursuant to the Borough's specifications for the above-referenced contract; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and have found that the bid submitted by American Asphalt & Trucking, LLC is in proper form and may be awarded by the Borough Council; and

WHEREAS, the Borough Council wishes to award the contract to American Asphalt & Trucking, LLC in accordance with its bid proposal in the amount of \$172,471.10; and

WHEREAS, the Chief Financial Officer of the Borough of Netcong has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, as follows:

1. A contract for the Center Street Road Improvement Project is hereby awarded to AMERICAN ASPHALT & TRUCKING, LLC, 818 Summer Avenue, Newark, New Jersey, 07104, in accordance with its bid proposal, dated December 20, 2023, for an amount not to exceed \$172,471.10.


2. The award of this contract is subject to and expressly conditioned upon the approval of the Department of Transportation and the funding of the project.

3. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid proposal dated December 20, 2023, in the amount of \$172,471.10 provided the condition set forth in Paragraph 2 is satisfied.

4. This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

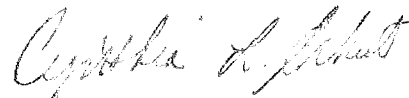


Elmer Still, Mayor

Dated:

CERTIFICATION

I, Cindy Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on January 11, 2024.



Cynthia Eckert, Borough Clerk

Resolution 2024-29

RESOLUTION OF THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A DETERMINATION REGARDING THE PROVISION OF MUNICIPAL SERVICES TO PROPERTIES TRAVERSING THE MUNICIPAL BOUNDARY LINE BETWEEN THE TOWNSHIP OF ROXBURY AND THE BOROUGH OF NETCONG

WHEREAS, the municipal boundary line for the Borough of Netcong and the Township of Roxbury bisect, divide, or otherwise separate, in part, Borough of Netcong Block 40 Lot 9.01, and Township of Roxbury Block 9401, Lot 5; and

WHEREAS, the Tax Assessor in both municipalities has recommended to the Governing Bodies of the respective municipalities, that, due to the bisection, division, and/or separation, in part, of the Property, by the municipal boundary line, that this Resolution and a mutual Resolution by the Township of Roxbury be adopted, such that: (1) Roxbury provide for the provision of municipal services and taxing authority by Roxbury to Block 9401 Lot 5 (on the Roxbury Tax Map) in its entirety including the portion located within the boundaries of the Borough of Netcong; and (2) Netcong provide for the provision of municipal services and taxing authority by Netcong to Block 40 Lot 9.01 (as designated on the Netcong Tax Map) in its entirety including the portion located within the boundaries of the Township of Roxbury; and

WHEREAS, in accordance with N.J.S.A. 40A:13-19, when the boundary line between adjoining municipalities divides lands, so that a portion of the lands are located in each municipality, the municipalities in which the lands are situated may determine, by resolution passed by their respective governing bodies, which municipality shall have sole supervision of the lands for provision of municipal services and taxing authority.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Netcong in the County of Morris and State of New Jersey, as follows:

1. The purpose and effect of this resolution is solely to clarify and reflect an agreement between the Township of Roxbury and the Borough of Netcong as to certain municipal authority over the taxation, supervision, licensing, land use and enforcement authority over various portions of the Property in accordance with N.J.S.A. 40A:13-19.

2. In accordance with N.J.S.A. 40A:13-19, sole supervision of the property known as Block 40 Lot 9.01 on the Netcong Tax Map for the provision of municipal services and taxing authority, including sole power to issue any and all future planning and zoning approvals, and as to the review and issuance of any licenses and permits required for such lands and buildings, be and hereby is granted unto the Borough of Netcong.


3. In accordance with N.J.S.A. 40A:13-19, sole supervision of the property known as Block 9401 Lot 5 on the Roxbury Tax Map for the provision of municipal services and taxing authority, including sole power to issue any and all future planning and zoning approvals, and as to the review and issuance of any licenses and permits required for such lands and buildings, be and hereby is granted unto the Township of Roxbury.

4. This determination is specifically contingent upon and subject to concomitant approval hereof and adoption of a similar resolution by the Governing Body of the Borough of Netcong.

5. This determination and agreement shall not be construed to alter or amend the existing municipal boundary line between the Borough of Netcong and the Township of Roxbury.

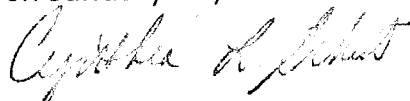
BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to enter into such additional agreements or undertakings as they may deem necessary and property to carry out and effectuate the purposes of this Resolution.

BOROUGH OF NETCONG

By: 
Elmer M. Still, Mayor

CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong do hereby certify that the above is a true copy of a resolution adopted on January 11, 2024.


Cynthia Eckert, Borough Clerk

**RESOLUTION 2024-30
TO REDEEM TAX SALE CERTIFICATE 22-000001**

WHEREAS, the Borough of Netcong held a Municipal Tax Sale on November 16, 2022; and

WHEREAS, Block 28 Lot 14, assessed to Robert & Carol Sebok was listed on the tax sale in the amount of \$699.12 and was sold to ProCap8 FBO Firstrust Bank; and

WHEREAS, the owner of the property wishes to redeem this lien in the amount of \$2,599.76; and

WHEREAS, the bank holding the mortgage for the property has provided payment to the Borough with bank check number 4320114061 in the amount of \$2,599.76 for the redemption of the above-referenced tax sale certificate; and

WHEREAS, the redemption was calculated to January 11, 2024; and

WHEREAS, the purchaser at the tax sale is entitled to payment with interest calculated to the date funds are authorized and delivered to them.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Netcong in the County of Morris and State of New Jersey that the Finance Assistant is hereby authorized to disburse \$2,599.76 to the order of ProCap8/Firstrust Bank, PO. Box 774, Fort Washington PA 19034-0774 in accordance with the redemption of the above-referenced Tax Sale Certificate.

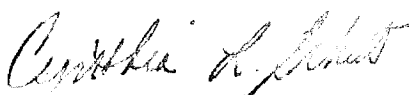
BOROUGH OF NETCONG

By: _____


Elmer Still, Mayor

CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on January 11, 2024.


Cynthia Eckert, Borough Clerk

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
SHARED SERVICES AGREEMENT WITH THE BOROUGH OF HOPATCONG
FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Borough of Netcong needs the services of an Animal Control Officer;
and

WHEREAS, the Borough of Hopatcong can supply these services along with the use of
the Hopatcong Animal Shelter for temporary housing stray dogs and cats; and

WHEREAS, a Shared Services Agreement has been prepared by the parties, which
Agreement defines the services to be provided and the fees associated with said services; and

WHEREAS, the Borough Council wishes to enter into said Agreement in accordance
with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. for the year
2024.

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available
for this purpose.

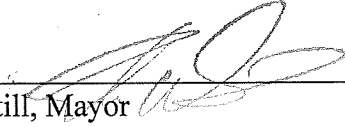
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of
Netcong, in the County of Morris, and State of New Jersey, that the Shared Services Agreement
between the Borough of Hopatcong and the Borough of Netcong for Animal Control services,
include use of the Hopatcong Animal Shelter, a copy of which is attached to this Resolution and
incorporated herein by reference, is hereby approved and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby
authorized and directed to execute said Agreement on behalf of the Borough. The Borough Clerk
is hereby authorized and directed to provide a copy of the fully executed agreement to the
Division of Local Government Services in the Department of Community Affairs.

This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

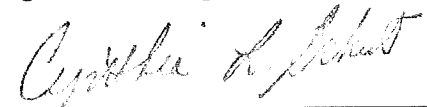


Elmer Still, Mayor

Dated:

CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on January 11, 2024.



Cynthia Eckert, Borough Clerk

Dated:

ORDINANCE NO. 2024-01

AN ORDINANCE TO AMEND CHAPTER 243 “GARBAGE, RUBBISH AND REFUSE” AND CHAPTER 155 “FEES” OF THE CODE OF THE BOROUGH OF NETCONG.

BE IT ORDAINED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, “Garbage Collection”, Section 243-1, “Definitions” is hereby amended to read, in its entirety, as follows:

BULKY WASTE

Includes television sets, mattresses, large furniture, large trash, and similar materials not required to be recycled pursuant to Article II of this chapter.

GARBAGE RECEPTACLE

A watertight container, can, or barrel containing waste for disposal, made of metal or other durable material with a tight-fitting cover, constructed to prevent the spillage of its contents. Garbage receptacles used for collection services from the Borough shall be limited to “One Arm Bandit” compatible carts obtained from and assigned by the Borough according to serial number.

ONE ARM BANDIT

The “One-Armed Bandit” is an automated refuse collection truck, utilizing specifically designed garbage receptacles to safely collect curbside trash. These vehicles are equipped with a hydraulic arm that extends out to grab and retrieve the garbage receptacle, and then it lifts & dumps it into the truck and returns the empty garbage receptacle to the original location.

SOLID WASTE

Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Borough of Netcong for regular municipal collection. Solid waste shall not include "designated materials," as defined in Article II of this chapter.

SECTION 2. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, “Garbage Collection”, Section 243-3, “Garbage Receptacle” is hereby amended to read, in its entirety, as follows:

A. Duty to provide.

(1) The owner, agent, lessee, tenant or occupant of every dwelling house, store, restaurant, shop, commercial establishment or other building in the Borough where solid waste shall accumulate must ensure proper storage of garbage, trash, refuse and other solid waste in proper garbage receptacles as defined in this chapter with tight-fitting covers or lids and in such a manner as to prevent the escape of foul odors and access thereto by flies and other vermin. When said receptacles are stored outside, they shall be in the rear yard or side yard only and no less than five feet from any property line. Residents and/or businesses finding these requirements governing outside storage a hardship may appeal, in writing, to the Borough Administrator for relief.

(2) On properties containing more than a single unit, the provision of receptacles in compliance with this Chapter for each unit shall be the responsibility of the property owner.

B. Number of receptacles. Each dwelling house or other building shall have at least one garbage receptacle and as many more garbage receptacles as are necessary to completely contain all solid

waste generated by, or accumulated by, each family unit residing on the premises and by each store, restaurant, shop, commercial establishment or other building, during the period from one collection day to the next ensuing collection day.

C. Condition of receptacles.

(1) All garbage receptacles shall be cleaned and sanitized as needed after collection. Plastic bags containing food by-products and other solid waste must be stored in a proper garbage receptacle as defined by this chapter.

(2) The use of baskets, cardboard boxes and paper bags, metal or non-issued plastic cans, or other objects as garbage receptacles for solid waste is not permitted.

(3) Garbage receptacles by the Borough that endure incidental damage may be able to be repaired. It shall be the duty of the Property Owner to notify the Borough Public Works Department of any damage to their property's issued can and request repair.

(4) Garbage receptacles that are badly broken or otherwise fail to meet the requirements of this article may be classified as solid waste and may be collected as such by the Borough or the Borough's designated agent and/or contractor.

SECTION 3. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, "Garbage Collection", Section 243-5, "Placement and Removal of Garbage Receptacles", Subsection A, "Placement" is hereby amended to read as follows:

A. Placement. The owners of any premises receiving garbage collection services from the Borough are hereby required to have all solid waste in garbage receptacles, to be placed within five feet of the nearest curb line of a public street in front of their premises or at such location as designated by the Borough for collection. Garbage Receptacles shall be placed with the wheels facing away from the street and with at least four feet of clearance on all sides of the receptacles. Garbage receptacles shall not be placed out for collection prior to 6:00 p.m. on the day preceding said collection and shall be removed by 8:00 p.m. on the collection day. Garbage receptacles not placed at the curb by 5:30 a.m. on the day of collection may not be collected. Failure to comply with the requirements of this section shall be deemed a violation of this article. Each day that a garbage receptacle remains at the curb or other authorized location after the time authorized herein shall be deemed a separate offense.

SECTION 4. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, "Garbage Collection", Section 243-5, "Placement and Removal of Garbage Receptacles", Subsection B, "Limitations" is hereby amended to read as follows:

B. Limitations. Only such solid waste as defined in this article shall be collected by the Borough, provided that these materials are prepared, held, and stored in the manner as required by this article. The Borough will collect up to two approved garbage receptacles per week per dwelling unit, store, shop, restaurant, commercial establishment, or other building. Commercial establishments which generate solid waste in excess of two approved garbage receptacles per week shall be required to utilize the services of a private collector. Garbage receptacles, on days other than collection days, shall be stored or kept in such a place so as not to become a nuisance to the occupants of any dwelling, and at no time shall they be kept closer to the street than the building setback line. All garbage receptacles, except on collection days, shall be screened from public view.

SECTION 5. Chapter 155 of the Revised General Ordinances of the Borough of Netcong, Section 155-4, "Solid Waste and Recycling Fees" is hereby amended by the addition of new subsection D which shall read as follows:

D. The fee for garbage receptacles shall be \$75.00 for a 96 gallon can and \$60.00 for a 60 gallon can.

SECTION 6. This Ordinance may be renumbered for codification purposes.

SECTION 7. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 8. In the event that any section, part, or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 9. This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 11th day of January 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 8th date of February 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF NETCONG
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ATTEST:

Cynthia Eckert, Borough Clerk

By: _____
Elmer Still, Mayor

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ. FOR PROPERTY LOCATED AT BLOCK 15, LOTS 29, 30, 31, 32 and 33

WHEREAS, On May 11, 2023, the Council of the Borough of Netcong referred to the Planning Board a study prepared by Phillips Preiss Grygiel Leheny Hughes LLC entitled Area in Need of Rehabilitation Report for Block 15, Lots 29, 30, 31, 32 and 33 (the “Study Area”); and

WHEREAS, based on that study, the Planning Board adopted Resolution #14 at its June 26, 2023, meeting, recommending that the Mayor and Borough Council designate the Study Area as an “Area in Need of Rehabilitation;” and

WHEREAS, on July 13, 2023, the Mayor and Borough Council took official action to designate the Study Area as an “Area in Need of Rehabilitation” by adopting Resolution 2023-71; and

WHEREAS, the Area in Need of Rehabilitation designation was transmitted to the Commissioner of Community Affairs for review on October 26, 2023, and; the Commissioner of Community Affairs responded on November 21, 2023; and

WHEREAS, Phillip Preiss Grygiel Leheny Hughes LLC, under the signature of Paul Phillips, P.P., A.I.C.P. has prepared a Redevelopment Plan for the Study Area entitled “Redevelopment Plan for Block 15, Lots 29, 30, 31, 31 and 33 Netcong, New Jersey” (hereinafter “Redevelopment Plan”) dated December 2023; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, no redevelopment or rehabilitation project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body; and

WHEREAS, the Borough Council wishes to adopt the Redevelopment Plan for the Study Area.

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

Section 1. The recitals above are hereby incorporated herein as if fully set forth herein.

Section 2. The Zoning Map of the Borough of Netcong is hereby amended to incorporate the provisions of the Redevelopment Plan and delineate the boundaries of the Area in Need of Rehabilitation as an overlay district.

Section 3. The Redevelopment Plan for the delineated area located at Block 15, Lots 29, 30, 31, 32 and 33, entitled “Redevelopment Plan for Block 15, Lots 29, 30, 31, 32 and 33 Netcong, New Jersey,” prepared by Phillip Preiss Grygiel Leheny Hughes LLC under the signature of Paul Phillips, P.P., A.I.C.P and dated December 2023, is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7 and is incorporated herein by reference and is on file with the Borough Clerk. The Redevelopment Plan may be inspected by the public in the Borough Clerk’s office during normal business hours.

Section 4. The Borough Clerk is hereby authorized and directed to provide a copy of this Ordinance to the Netcong Borough Planning Board in accordance with the requirements of N.J.S.A. 40A:12A-7 for a determination of consistency with the Borough’s Master Plan. The Planning Board shall issue a report to the Governing Body containing its recommendations within forty-five (45) days after referral.

Section 5. All ordinances of the Borough of Netcong, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 11th day of January 2024 introduced and read by title and passed on the first

reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 8th day of February, 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

BOROUGH OF NETCONG

ATTEST:

Cynthia Eckert, Clerk

By: _____
Elmer Still, Mayor

BOROUGH OF NETCONG

COUNTY OF MORRIS
STATE OF NEW JERSEY

ORDINANCE NO. 2024 – 03

AN ORDINANCE REPEALING ARTICLE XII OF CHAPTER 194 AND ADOPTING NEW CHAPTER 246, “STORMWATER CONTROL”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NETCONG TO INCLUDE NEW ARTICLES CONCERNING STORMWATER CONTROL AND SALT STORAGE ON PRIVATELY OWNED PROPERTY.

BE IT ORDAINED by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, as follows:

Section 1. Article XII of Chapter 194 of Revised General Ordinances of the Borough of Netcong, which includes Sections 194-89 through 194-100.3, is hereby repealed in its entirety.

Section 2. The Revised General Ordinances of the Borough of Netcong shall be amended by the inclusion of a new Chapter 246 which shall read, in its entirety, as follows:

Chapter 246

STORMWATER CONTROL

Article I

Establishment of Minimum Stormwater Management Requirements

§ 246-1. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs 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 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 green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this Article is to establish minimum stormwater management requirements and controls for “major development,” as defined in the current Stormwater Management Rules at N.J.A.C. 7:8-1.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

- i. Non-residential major developments and redevelopment projects; and
- ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by

the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Netcong and any other governmental entity.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

§ 246-2. 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 ordinance 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 for terms used in this ordinance shall be the same as those provided in the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, which definitions are incorporated herein by reference.

§ 246-3. Design and Performance Standards for Stormwater Management Measures

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

§ 246-4. Solids and Floatable Materials Control Standards

A. Site design features identified under Section 246-3 above, or alternative designs in accordance with Section 246-3 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 246-4.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. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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 246-4.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 the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

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

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

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

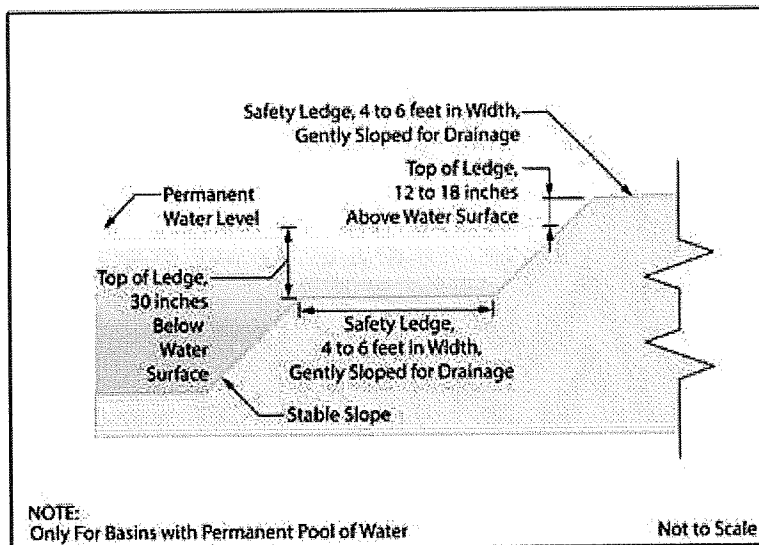
v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 246-5. Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 246-6. 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 in Subsection C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit twelve copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C of this Section.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official 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.

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 Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 246-3 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 246-7.

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 246-6.C.1 through.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.

§ 246-7. Maintenance and Repair

A. Applicability

Projects subject to review as in Section 246-1 C of this ordinance shall comply with the requirements of Section 246-7 B and C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

2. Maintenance responsibility and maintenance guarantee.

i. 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; and

ii. 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.

iii. The posting of a two year maintenance guarantee is required in accordance with N.J.S.A. 40:55D-53. The guarantee shall be posted with the Borough. Maintenance and inspection guidance can be found on the NJDEP website at: https://www.njstormwater.org/maintenance_guidance.htm.

3. In the event that the stormwater management facility is determined by the Borough Engineer or a designee to be danger to public safety or public health, or if it is determined to be in need of maintenance or repair, the Borough Engineer or a designee 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 a designee. The Borough Engineer, in his or her 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 Borough may, but is not required to, proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill shall constitute a lien on the property.

C. Nothing in this subsection shall preclude the Planning Board or the Borough from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 246-8. Violations and penalties

A. Fines.

1. Any violation of any provision of this chapter shall be punishable as provided in Chapter 1, Article II, General Penalty, of the Code of the Borough of Netcong. The following individuals shall be subject to potential punishment:

a. The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and

b. Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.

2. Each day that a violation continues shall constitute a separate and distinct offense.

3. The imposition of penalties herein shall not preclude the municipality or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. Injunctive relief. In addition to the foregoing, the municipality may institute an action for injunctive relief.

ARTICLE II

Privately Owned Salt Storage

§ 246-9. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Netcong to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 246-10. 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 consistent 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.

A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

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

C. "Storm drain inlet" means the point of entry into the storm sewer system.

D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§ 246-11. Deicing Material Storage Requirements

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible;
- b. The cover shall extend to the base of the pile(s);
- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind;

and

e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. All such temporary and/or permanent structures must also comply with all other Borough and State ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 246-12. Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 246-13. Enforcement

This ordinance may be enforced by the Police Department, the Zoning Officer of the Borough of Netcong, or any other such officer or employee designated by the Borough Administrator

Article III

Violations and Penalties

§ 246-14. Violations and Penalties

A. Fines.

1. Any violation of any provision of this chapter shall be punishable as provided in Chapter 1, Article II, General Penalty, of the Code of the Borough of Netcong. The following individuals shall be subject to potential punishment:

a. The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and

b. Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.

2. Each day that a violation continues shall constitute a separate and distinct offense.

3. The imposition of penalties herein shall not preclude the municipality or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. Injunctive relief. In addition to the foregoing the Borough may institute an action for injunctive relief.

Section 3. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and 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 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 11th day of January, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 8th day of February, 2024, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

BOROUGH OF NETCONG

ATTEST:

Cynthia Eckert, Clerk

By: _____
Elmer Still, Mayor