

**BOROUGH OF NETCONG
MAYOR AND COUNCIL MEETING
FEBRUARY 8, 2024**

MINUTES OF THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NETCONG HELD FEBRUARY 8, 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 Nametko, Councilman Sylvester and Mayor Still. Also present was Mr. Blakeslee, Borough Administrator and Mrs. Eckert, Borough Clerk

PROCLAMATION – Ralph Simmerano

Police Chief Van Houten read the proclamation and presented it to Mr. Simmerano.

PROCLAMATION

**HONORING RALPH SIMMERANO FOR HIS MANY YEARS OF SERVICE TO
THE BOROUGH OF NETCONG AND THE COMMUNITY AT LARGE**

Whereas, Ralph Simmerano has been a lifelong resident of the Borough of Netcong, graduating from Netcong Elementary School and Netcong High School, and

Whereas, Ralph attended the University of Kentucky for 2 years, thereafter, obtaining a Certificate Of Drafting from Newark Institute of Technology, and

Whereas, Ralph and his lovely wife Maria raised their two children, Rocco and Maria in Netcong; and,

Whereas, Ralph is the proud grandfather to his five grandchildren, Joey, Tommy, Lauren, John and Anthony; and,

Whereas, Ralph served in the Army National Guard; and,

Whereas, Ralph was a past Grand Knight of the Knights of Columbus in Netcong, New Jersey; and,

Whereas, Ralph served on the Netcong Borough Council under Mayors Gugliemini and Pompilio; and

Whereas, Ralph has been a crossing guard with the Borough for 10 years after retiring from Automatic Switch Co. in Florham Park, New Jersey where he was a Tech Illustrator for 42 years; and

Whereas, it is right that dedicated public servants of Ralph's stature are recognized for their professional and volunteer work and that such recognition is noted in the Borough's permanent records.

NOW THEREFORE BE IT PROCLAIMED, by the Mayor and Borough Council of the Borough Netcong in the County of Morris and State of New Jersey, Ralph Simmerano be recognized for his outstanding service to the community for his past and continuing service to the residents of the Borough of Netcong and the State of New Jersey.

APPROVAL OF MINUTES

None presented.

PUBLIC PORTION OF MEETING

Mrs. Terry Vervaet, 46 Allen St., had a proclamation prepared for our previous Mayor Councilman Nametko- thanking him for his many years of service on the Netcong Planning Board.

She read the proclamation for Councilman Nametko and presented it to him.

Resolution 2024-06

RESOLUTION OF THE BOROUGH OF NETCONG PLANNING BOARD

RESOLUTION HONORING AND THANKING MAYOR JOSEPH NAMETKO FOR HIS MANY YEARS OF SERVICE AS A MEMBER OF THE NETCONG BOROUGH PLANNING BOARD

WHEREAS, the Borough of Netcong's first Planning Board was organized in or about 1970, and

WHEREAS, Joseph Nametko was elected by the citizens of the Borough of Netcong to serve as a Councilman beginning January 2001, and served and elected as Mayor commencing in March 2007, and

WHEREAS, Joseph Nametko was appointed to serve as Council Representative on the Netcong Borough Planning Board effective January 2005, and

WHEREAS, Joseph Nametko treated applicants, their professionals and attorneys, fairly during the application process, and

WHEREAS, Joseph Nametko has gained the respect of the many members of the Planning Board who served with him over the years, and

WHEREAS, Joseph Nametko served with commitment and dedication to the Netcong Borough Planning Board; and

WHEREAS, Joseph Nametko has "retired" from his position on the Netcong Borough Planning Board as Council Representative on December 31, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Netcong Borough Planning Board to thank Joseph Nametko for his timeless service and dedication to the Planning Board, his peers, and the citizens of the Borough of Netcong, and to hereby adopt this Resolution in grateful appreciation for his many years of outstanding service.

A Motion to Close the Meeting to the Public was made by Councilman Sylvester and seconded by Councilman Morton.
Roll Call: 5 Yes

ORDINANCE ADOPTIONS

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 Read Ordinance 2024-1 by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Nametko and seconded by Councilman Hathaway.
Roll Call: 5 Yes

A Motion to Close Public Hearing on Ordinance 2024-1 was made by Councilman Hathaway and seconded by Councilman Sylvester.

Roll Call: 5 Yes

A Motion to Adopt Ordinance 2024-1 was made by Councilman Hathaway and seconded by Councilman Sylvester.

Roll Call: 5 Yes

2. **Ordinance 2024-2** – An Ordinance Adopting A Redevelopment Plan Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 0a:12a-1, Et Seq. For Property Located at Block 15, Lots 29, 30, 31, 32 And 33

Councilman Sylvester had several questions on this ordinance. There was brief discussion among the Council on this issue. Mr. Paul Philips, Borough Planner provided definition and details on the parking issue. He also discussed the sidewalk issues. Councilman Hathaway gave details on how this has transpired over several years. Councilman Sylvester feels this is a good project. Councilman Hathaway provided further details.

A Motion to Read Ordinance 2024-2 by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Hathaway and seconded by Councilman Nametko.

Roll Call: 3 Yes No: Councilmen Albensi and Morton

A Motion to Close Public Hearing on Ordinance 2024-2 was made by Councilman Hathaway and seconded by Councilman Nametko.

Roll Call: 5 Yes

Councilman Nametko had a comment before this was voted on. He stated the committee has spent much time on this and the project will bring in more funds to the town. Councilman Morton was concerned about more apartments in town. Councilman Hathaway stated they can build apartments as it is in our ordinance.

A Motion to Adopt Ordinance 2024-2 was made by Councilman Hathaway and seconded by Councilman Nametko.

Roll Call: 3 Yes No: Councilmen Albensi and Morton

3. **Ordinance 2024-3** – 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 Read Ordinance 2024-3 by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Hathaway and seconded by Councilman Sylvester.

Roll Call: 5 Yes

A Motion to Close Public Hearing on Ordinance 2024-3 was made by Councilman Hathaway and seconded by Councilman Sylvester.

Roll Call: 5 Yes

A Motion to Adopt Ordinance 2024-3 was made by Councilman Hathaway and seconded by Councilman Sylvester.

Roll Call: 5 Yes

CORRESPONDENCE

1. Letter from Guy Puffer, 2 Main St.- Tim Hess

The Council thanked Tim for his service.

2. Resignation Letter – Officer Barbini

The Council wished him well in his future endeavors.

BOROUGH ADMINISTRATOR REPORT

Councilman Sylvester asked about the Center St. improvement project. He wanted to be sure it was not the company that did Allen Terrace. Councilman Hathaway stated repairs will be made on Allen Terrace. There was brief discussion among the Council on this matter.

Councilman Sylvester also asked about the PILOT for the St. Michael Mt. View and when it will be introduced. Mr. Blakeslee explained Phoenix advisors will be at the first meeting. Councilman Sylvester asked if they will show what taxes will be collected for 31 single family homes as compared to the PILOT.

Councilman Sylvester asked about the Park View project (McNear) in Roxbury. Mr. Blakeslee explained there will be a memo sent to the Council on the particulars of this project. He has concerns on the traffic that will be produced with this project. Councilman Hathaway had several comments on this issue. There was additional discussion among the Council. Mayor Still stated the Roxbury Planning Board is not in favor of this project. Councilman Hathaway asked the borough attorney what is the best strategy to deal with this. Mr. Bucco stated we should have our planner provide a report. There was further discussion on this. Councilman Sylvester wants to be sure Roxbury knows where the borough stands on this. There was further discussion among the Council on this issue. Mr. Blakeslee will speak to Paul Philips, borough planner tomorrow.

COMMITTEE REPORTS

Finance & Insurance:

J. Nametko

J. Sylvester

Councilman Nametko read the report and added additional financial information.

For the month of January 2023:

Miscellaneous Revenue Not Anticipated (MRNA):

In 2024 the Borough received \$2,260.00 compared to \$2,627.50 in 2023.

Other Licenses/Borough Clerk's Fees:

The Borough received \$49,772.04 in 2024 compared to \$43,231.72 in 2022.

State Aid:

There was no state aid in either 2023 or 2024.

Grants in Aid:

There was \$2,303.87 received in Grants in Aid for 2024 and \$167,550.74 in 2023.

Taxes Collected:

The Borough collected \$469,821.83 in 2024 compared to \$700,386.44 in 2023.

Income Total Year to Date:

The total Current Fund Income Year to date for 2024 is \$524,157.74 as opposed to \$913,796.40 in 2023.

The total Water and Sewer Utility collected Year to date for 2024 is \$ 55,898.17 as opposed to \$54,881.62 collected in 2023.

The Solid Waste Utility collected Year to date is \$54,215.02.

Economic Development: R. Hathaway J. Nametko

Councilman Hathaway reported that the committee met with our professionals for the Mt. View project and have negotiated the best for the PILOT which will be presented at next month's meeting. Councilman Nametko provided details on the financial side of this project. Councilman Hathaway also discussed some changes made for this PILOT as compared to previous PILOTS.

*Public Safety:
(Police, Fire, Rescue)*

J. Sylvester

T. Laureys

Ambulance Corps, 2023 totals.

Total Calls: 642

Total Patients: 425

Total Hospital trips: 304

Miles Traveled: 9,158 miles

Hours Volunteered: 3,414 hours and 12 minutes

Netcong Fire Department

Total Calls: 11

General Alarms: 8
Total Members: 35
Total Hours Volunteered: 231 hours 36 minutes
Drills: 5
Administrative Details: 5

Fire Prevention Report: January

Total Inspections: 40
Total Violations: 105
Permits Issued: 1
Penalties: 0
Admin. Duties: 5
Bureau Monthly Hours: 41

Police Department:

Radar: Total Hours = 61.5
Total Interactions = 63
Total Calls: 742
Building/Property Check: 102
Traffic Enforcement/Stop: 144

Dept. of Public

Works & Utilities:

J. Albensi

R. Hathaway

DPW REPORT FOR JAN 24

Road Department.

- Cleaned catch basin tops in preparation for heavy rain.
- Town wide pothole patching
- Cleared drain on Flanders Rd. and excavated silt out of outfall area
- Snow removal as necessary
- X-mas tree pick up town wide once a week
- Serviced police and DPW vehicles

Buildings and Grounds.

- Painted pipes and tanks at all well houses
- Prepped and painted Mayor's room and hallway in Boro Hall

Water dept.

- Located and dug up curb stop for VFW and shut off water
- Dug up curb stop and repaired at 78 Stoll St.

Councilman Nametko asked about the status of the VFW building on Main St.
Mr. Blakeslee stated it is for sale.

Recreation:

T. Morton

J. Albensi

Councilman Morton noted that there will be a St. Patrick Day brunch in March. An Easter Egg hunt may be on a different day as there is a conflict with the school.

Public Services:

T. Laureys

T. Morton

(Human Services
Recycling & Solid
Waste Disposal)

Councilman Morton reported the dial a ride statistics.

Dial a Ride Report

Month: January

Days of Service: 21

Miles: 931

Number of Stops: 75

Nutrition for one person: 12

Food Shopping: 34

Number of Meals on Wheels: 12

Medical appointments: 63

Other appointments: 26

People Using Services: 31

Cancels: 7

Denials: 0

Units: 210

Hours: 85.25

OLD BUSINESS

None presented.

NEW BUSINESS

None presented.

PRIVILEGE OF THE FLOOR TO THE COUNCIL

The Council President announced that tomorrow will be the second meeting of Netcong Senior Club from 10-12 PM. If you are 55 or over, please join.

Mr. Sylvester would like to know if the Vozza Agency will be coming next week to explain the insurance issue discussed at the last meeting. He is concerned this issue leaves our volunteers exposed. Mr. Bucco explained the process and rules regarding this concern. Coverage ceases once the call is named complete by the officer in charge. Councilman Sylvester provided additional concerns. Mr. Blakeslee will speak

with Mr. Vozza from the Vozza agency to be sure he understands the question so he can answer this question. Mr. Bucco gave further explanation on this issue.

Councilman Hathaway continued discussion regarding the topic of volunteers. He addressed a hold harmless for demolition of the old playground at Drenzo Park. He is not on board with this hold harmless. Mr. Bucco explained when you are involved in an insurance pool like the JIF, it is required to protect them. Councilman Hathaway feels we should find a way to pay for this. Councilman Albensi stated there are 6 people signed up to do this. Councilman Nametko stated he would not sign off on something like that. Mr. Bucco suggested we get a rider for this one-day event. Salmon Bros. is volunteering their excavator and operator. Mr. Bucco stated once large equipment is involved, there is higher risk. Mayor Still asked the administrator if this is included in the final cost of the project. The dumpsters were, but not the manpower. Mr. Bucco suggests the DPW staff should take this down as they are employees covered by insurance. Councilman Hathaway would prefer to pay the DPW overtime to do it. Mayor Still stated we can have our own DPW remove the equipment which would be the best option. Councilman Albensi stated this should be done on a Saturday. The mayor stated Saturday will be fine. Mr. Hess stated he can get it done.

Councilman Albensi asked if Mr. Blakeslee had contacted Mt. Olive about picking up garbage that is not in the issued garbage cans. Mr. Blakeslee stated Mt. Olive does not want to be responsible for broken cans. Councilman Albensi is concerned about the non-compliance letters that have been issued. Mr. Bucco stated the current borough ordinance does not allow use of non-compliant cans. Councilman Albensi asked that noncompliance letters only be issued to those who are putting out garbage bags.

MAYOR'S COMMENTS

The mayor had no comment at this time.

RESOLUTIONS Voted in Block

1. **Resolution 2024-37-** Authorizing the Person-To-Person Transfer of Liquor License No. 1428-33-009-006 from A'Nets Pub, LLC to TJLQ, LLC

A Motion to approve this resolution was made by Councilman Albensi and was seconded by Councilman Hathaway.

Roll Call: 5 Yes

2. **Resolution 2024-38-** To Appoint Magda Bosco as Administrative Assistant

A Motion to approve this resolution was made by Councilman Albensi and was seconded by Councilman Hathaway.

Roll Call: 5 Yes

3. **Resolution 2024-39** - Granting Katarzyna Shelton, Violations Clerk for The Netcong Borough Municipal Court the Ability to Sign Checks for The Municipal Court General and Bail Accounts Held at The PNC Bank.

A Motion to approve this resolution was made by Councilman Albensi and was seconded by Councilman Hathaway.

Roll Call: 5 Yes

4. **Resolution 2024-40** – Authorizing a Shared Services Agreement with the Borough of Stanhope for the Furnishing of Emergency Management Coordinator Services

A Motion to approve this resolution was made by Councilman Albensi and was seconded by Councilman Hathaway.

Roll Call: 5 Yes

5. **Resolution 2024-41** – Authorizing The Award of a Contract for Professional Services to Perform Lead-Based Paint Inspection for The Borough.

A Motion to approve this resolution was made by Councilman Albensi and was seconded by Councilman Hathaway.

Roll Call: 5 Yes

ORDINANCE INTRODUCTIONS

1. **Ordinance 2024-4:** An Ordinance to Amend Chapter 157 “Fire Prevention” of The Code of The Borough of Netcong.

A Motion to Introduce Ordinance #2024-4 and Read by Title Only was made by Councilman Sylvester and seconded by Councilman Morton.

Roll Call: 5 Yes

A Motion to Pass Ordinance #2024-4- on First Reading was made by Councilman Sylvester and seconded by Councilman Morton.

Roll Call: 5 Yes

2. **Ordinance 2024-5-** An Ordinance to Amend Chapter 238 “Sewers” of The Code of The Borough of Netcong and Regulating Grease Trap Maintenance

A Motion to Introduce Ordinance #2024-5- and Read by Title Only was made by Councilman Albensi and seconded by Councilman Hathaway.

Roll Call: 5 Yes

A Motion to Pass Ordinance #2024-5- on First Reading was made by Councilman Sylvester and seconded by Councilman Hathaway.

Roll Call: 5 Yes

3. **Ordinance 2024-6-** An Ordinance Amending Chapter 246 of the Code of The Borough of Netcong and Establishing Tree Removal and Replacement Requirements

A Motion to Introduce Bond Ordinance #2024-6 and Read by Title Only was made by Councilman Nametko and seconded by Councilman Hathaway.

Roll Call: 5 Yes

A Motion to Pass Bond Ordinance #2024-6 on First Reading was made by Councilman Nametko and seconded by Councilman Hathaway.

Roll Call: 5 Yes

4. **Ordinance 2024-7-** An Ordinance Authorizing the Police Chief to Execute An Application For A Charitable Solicitation Permit For American Legion Ambulance Corp Of Stanhope/Netcong's "Coin Drop" On June 7th, June 8th 2024 And On September 20th, And September 21st 2024 At The Intersections Of Allen Street And Ledgewood Avenue And Main Street And Route 46 In The Borough Of Netcong, County Of Morris, State Of New Jersey

A Motion to Pass Bond Ordinance #2024-7 on First Reading was made by Councilman Sylvester and seconded by Councilman Albensi.

Roll Call: 5 Yes

REPORTS

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

Roll Call: 5 yes

BILLS

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

Roll Call: 5 Yes

PUBLIC PORTION OF MEETING

Mr. Dellamo, 123 Ledgewood Ave, asked if there will be a closed session on the billboard issue. Councilman Sylvester stated he did some research on this issue.

Mr. Bucco was requested to instruct the Council on this issue during the closed session. Mr. Bucco advised that this should be discussed in closed session not during the public portion.

Mr. Bucco stated the planning board attorney would be the person to inform the planning board. Mr. Dellamo reflected negatively about that statement. Mr.

Bucco repeated that he cannot discuss the details here as this is an active litigation. It was noted that Mr. Bucco provided instruction on issues with the master plan. Mr. Dellamo again stated the planning board was not notified of this. Mr. Bucco again explained the Council has nothing to do with what is done with the planning board.

Mr. Matthew Eddy, 25 Flanders Rd., had a question about the tree ordinance: Ordinance 2024-6. He wanted to know if he would have to replace one tree taken down with two trees. He added that this tree is dangerous and can be removed without permit. There was further discussion on the details of this ordinance. Mr. Blakeslee explained the state has required this.

Mrs. Kelly Codd, 19 Burt St., has returned to discuss the topic of cars speeding on Allen St., especially near Arbolino Park. She is concerned someone is going to be killed. What can be done? Why aren't there signs? The mayor explained we have to contact the county about getting signs. Mr. Blakeslee will work on this.

A Motion to Close the Meeting to the Public was made by Councilman Sylvester and seconded by Councilman Albeni.

Roll Call: 5 Yes

CLOSED SESSION

A Motion to Go into Closed Session was made by Councilman Sylvester and seconded by Councilman Albeni.

Roll Call: 5 Yes

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances;

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - Litigation – Planning Board
 - Attorney Client Privilege-Land Acquisition

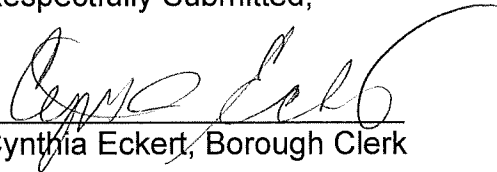
3. It is anticipated that the minutes on the subject matters of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Council will come back into open session and may take further action.

ADJOURNMENT

A Motion to Adjourn the Meeting was made by Councilman Sylvester and seconded by Councilman Albensi at 9:12PM.

Roll Call: 5 Yes

Respectfully Submitted,



Cynthia Eckert, Borough Clerk

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

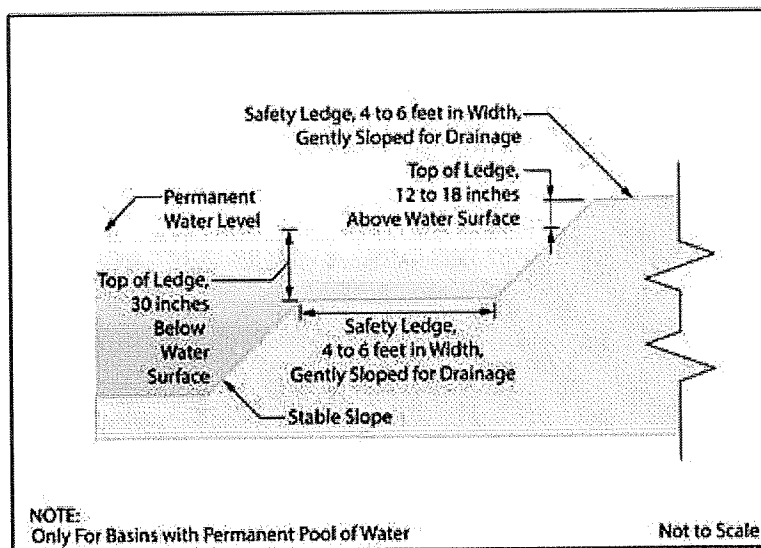
v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed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

**A RESOLUTION OF THE BOROUGH OF NETCONG, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE PERSON-TO-PERSON TRANSFER
OF LIQUOR LICENSE NO. 1428-33-009-006 FROM A-NET'S PUB, LLC TO TJLQ,
LLC**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1428-33-009-006, heretofore issued to A'nets Pub, LLC for premises located at 100 Stoll Street, Netcong, New Jersey, 07857; 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; and

WHEREAS, the applicant wishes to operate the license at its premises located at 100 Stoll Street, Netcong, New Jersey, 07857; and

WHEREAS, the Netcong Borough Council wishes to approve this Person-to-Person transfer.

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 effective immediately, the Person-to-Person transfer of the aforesaid Plenary Retail Consumption License to TJLQ, LLC, located at 100 Stoll Street in the Borough of Netcong, is hereby approved and the Borough Clerk is hereby authorized and directed to endorse the license certificate to the new ownership as

follows: "This license, subject to all its terms and conditions, is hereby transferred to TJLQ, LLC, 100 Stoll Street, Netcong, New Jersey, 07857, effective immediately."

This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

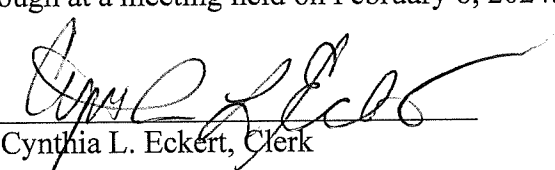


Elmer Still, Mayor

Dated:

CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify that the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on February 8, 2024.



Cynthia L. Eckert, Clerk

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 named persons be appointed and paid salaries in 2024.

EMPLOYEE	TITLE	Salary
Magda Bosco	Administrative Assistant	36,000.00

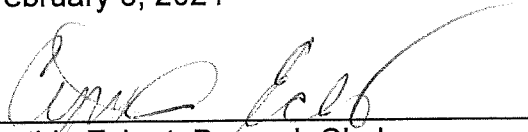
This resolution shall take effect immediately.



Elmer M. Still, Mayor

CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Netcong at a meeting held on February 8, 2024



Cynthia Eckert, Borough Clerk

RESOLUTION GRANTING KATARZYNA SHELTON, VIOLATIONS CLERK FOR THE NETCONG BOROUGH MUNICIPAL COURT THE ABILITY TO SIGN CHECKS FOR THE MUNICIPAL COURT GENERAL AND BAIL ACCOUNTS HELD AT THE PNC BANK.

WHEREAS, Netcong Borough has a shared service agreement with Mount Olive Township for municipal court services, and

WHEREAS, the Borough Council of the Borough of Netcong, recognizes Katarzyna Shelton serving as Violations Clerk for the Netcong Municipal Court and,

WHEREAS, included in her duties is the need to have the ability to sign checks in both the general and bail bank accounts held at the PNC Bank on behalf of the Netcong Municipal Court.

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:

Katarzyna Shelton, Violations Clerk be granted the ability to sign checks for both the general and bail accounts for the Netcong Municipal Court.


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 February 8, 2024.


Cynthia Eckert, Borough Clerk

**A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF STANHOPE FOR THE FURNISHING OF
EMERGENCY MANAGEMENT COORDINATOR SERVICES**

WHEREAS, the Borough of Netcong currently employs the services of an Emergency Management Coordinator; and

WHEREAS, the Borough of Stanhope desires to contract with the Borough of Netcong for the furnishing of Emergency Management Coordinator services; and

WHEREAS, N.J.S.A. App. A:9-40.1 et seq. permits municipalities to enter into shared services agreements to allow their Emergency Management Coordinator to serve two or more municipalities jointly; and

WHEREAS, the Borough Council of the Borough of Netcong wishes to enter into a shared services agreement with the Borough of Stanhope for the provision of said services.

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 Shared Services Agreement for the provision of Emergency Management Coordinator services to the Borough of Stanhope is hereby approved pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. Said Agreement is on file in the office of the Borough Clerk and may be inspected by the public during normal business hours.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said Shared Services Agreement on behalf of the Borough. Said Agreement is for a term of three (3) years and provides for the payment as per the contract to the Borough of Netcong by the Borough of Stanhope for services rendered each year.
3. 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 this 8th day of February, 2024.



Cynthia Eckert, Borough Clerk

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO PERFORM LEAD-BASED PAINT
INSPECTION FOR THE BOROUGH**

WHEREAS, the State of New Jersey passed P.L. 2021, Ch. 182 requiring municipalities to inspect all rental properties constructed before 1978 for hazardous lead paint conditions via local public agency or third-party contract; and

WHEREAS, the Borough of Netcong (“Borough”) does not have a local public agency established for the purpose of lead-based paint testing; and

WHEREAS, the Borough of Netcong has a need to obtain the services to perform lead-based paint inspections and has determined to award the contract as a professional service without obtaining competitive bids or quotations; and

WHEREAS, in 2023 the Borough engages in a one-year contract with Bay Hill Environmental with up to four one-year extensions; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Borough Council wishes to renew the contract for lead-based paint inspection services.

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:

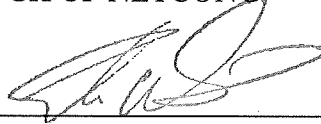
1. The Contract with Bay Hill Environmental for lead-based paint inspection services is hereby renewed.

2. Any and all Borough officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

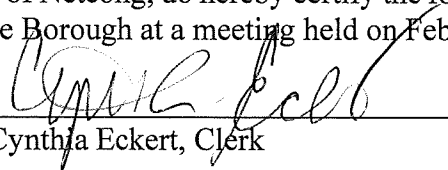


Elmer M. Still, Mayor

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 February 8, 2024.



Cynthia Eckert, Clerk

ORDINANCE NO. 2024-4

AN ORDINANCE TO AMEND CHAPTER 157 “FIRE PREVENTION” 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 157 of the Revised General Ordinances of the Borough of Netcong, Article I, “Fire Prevention” is hereby amended by the inclusion of new Section 157-8 which shall be entitled “Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance” and shall read, in its entirety, as follows:

§ 157-8 Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance

Certificates Required. Before any one- and two-family or attached single family structure (Use Group R-3, R-4, or R-5), or portion thereof, that is sold, leased, or otherwise made subject to a change of occupancy for residential purposes shall have a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) obtained by the owner prior to said change of occupancy in accordance with N.J.A.C. 5:70-2.3 which evidences compliance with N.J.A.C. 5:70-4.19.

A. Fire and Life Safety Systems Within Residential Premises. The following requirements shall be applicable to and satisfied by applicants for a CSACMAPFEC prior to the issuance of a certificate of compliance.

1. Smoke alarms. Smoke alarms shall be maintained in accordance with NFPA 72, their listing, and manufacturer specifications. Smoke alarms shall be located as specified in N.J.A.C. 5:70-4.19. Smoke alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

2. Carbon monoxide alarms. Carbon monoxide alarms shall be maintained in accordance with NFPA 720, their listing, and manufacturer specifications. Carbon monoxide alarms shall be located as specified in N.J.A.C. 5:70-4.19. Carbon monoxide alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

3. Portable fire extinguishers. A portable fire extinguisher shall be installed and maintained in accordance with N.J.A.C. 5:70-4.19(e).

4. Fire alarm systems. Residential premises that contain installed fire alarm systems as defined in the Uniform Construction Code may be required to submit

documentation of testing and maintenance evidencing that the system is maintained in good working order prior to the issuance of a CSACMAPFEC. The Fire Official and his/her designee shall assure such documentation meets or exceeds the criteria contained within NFPA 72. Fire alarm systems may only be substituted for requirements of N.J.A.C. 5:70-4.19 when installed in accordance with the State Uniform Construction Code Act and when received a proper certificate of approval or been installed prior to the receipt of a certificate of occupancy.

- B. **Certificate of Compliance.** In the case of a change of occupancy of any Use Group R-3, R-4, or R-5 building or portion thereof subject to the requirements of Subsection 157-8A of this section, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining a certificate evidencing compliance with this section. Where a certificate of occupancy is required under the land development chapter or other General Ordinances of the Borough, it shall not be issued prior to the time the owner obtains the certificate of compliance.
- C. **Inspections.** The Fire Official of the Bureau of Fire Prevention and duly appointed Inspectors are hereby empowered to conduct the necessary inspections and to issue certificates of compliance as contemplated herein.
- D. **Fees.** A fee of \$65 shall be paid by the owner prior to each inspection provided the inspection is requested at least ten (10) days prior to the change of occupancy or ownership. If the inspection is requested within 10 days of the change of occupancy or ownership, a fee of \$125 shall be paid. If the inspection is requested within four days of the change of occupancy or ownership, a fee of \$150 shall be paid.

SECTION 2. Chapter 157 of the Revised General Ordinances of the Borough of Netcong, "Fire Prevention", Section 157-10, "Enforcement, Violations, and Penalties" is hereby amended to read, in its entirety, as follows:

§ 157-10 Enforcement; violations and penalties.

- A. Authority to enforce. The Netcong Borough Bureau of Fire Prevention shall be the enforcing agency of this chapter.
- B. Violations. Each violation shall constitute a separate and distinct offense independent of the violation of any other section. Each day of violation shall constitute an additional, separate, and distinct offense.
- C. Penalties. Penalties will be enforced as per N.J.A.C. 5:70-2 unless otherwise noted below.

(1) Violation of § 157-3, Non-life-hazard use inspection fees. Any person violating

any of the provisions of this section shall, for each offense, be subject to a fine of double the amount of the applicable non-life-hazard use inspection fee.

(2) Violation of § 157-6, Fire alarm systems. Any person violating any provisions of § 157-13B and C shall, for each offense, be subject to a fine of not less than \$1,000. Any person violating any of the provisions of § 157-13D shall, for each offense, be subject to a fine of not less than \$100.

(3) Violation of § 157-7, Open burning . Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$1,000.

(4) Violation of § 157-8, Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance. Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$500.

D. Appeals. Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Morris.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. 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 5. 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 6. 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 8th day of February, 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 14th date of March 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.

ATTEST:

Cynthia Eckert, Borough Clerk

By: _____
Elmer Still, Mayor

ORDINANCE NO. 2024-5

AN ORDINANCE TO AMEND CHAPTER 238 "SEWERS" OF THE CODE OF THE BOROUGH OF NETCONG AND REGULATING GREASE TRAP MAINTENANCE

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 238 of the Revised General Ordinances of the Borough of Netcong, Sewers, Section 238-5, "Use of Sewers", shall be amended by the inclusion of a new subsection I. which shall read, in its entirety, as follows:

I. Grease Trap Maintenance.

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

FOG (FAT, OIL, GREASE)

Liquid waste that contains animal or vegetable fat, oil and grease originating as a by-product of cooking or food preparation processes, including food scraps, meat fats, lard, sauces, cooking oil, butter and margarine, that may impair the operation of the sanitary sewer system.

GREASE TRAP

Shall be given its normal definition in the retail food industry. A device used to collect oil and grease at the entrance of the wastewater pipe system and preventing the oil and grease from traveling through the wastewater pipe system and preventing the oil and grease from traveling through the wastewater pipes into the wastewater system of the Borough. A grease trap must be installed in such a manner as to facilitate easy inspection and cleaning.

RETAIL FOOD ESTABLISHMENT

Shall be given its normal definition in the industry. A retail food establishment includes all retail businesses which process and/or serve food and food products and is also defined by Chapter 24 of the Retail Food Code of New Jersey.

2. Maintenance of grease traps.

- (a) Retail food establishment operators shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease traps shall include the complete removal of all contents, including floating materials, wastewater, bottom sludge, and solids. The decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Grease traps must be maintained to ensure that they are never allowed to reach more than $\frac{3}{4}$ of their capacity. The grease trap must be cleaned completely at a minimum of every three months, or more frequently as needed to prevent carryover of FOGs into the sanitary sewer system. The traps are to be cleaned by a professional service at a minimum biannually and a report from the company of any issues or overall condition of the grease trap must be submitted to the Borough Administrator and Superintendent of Public Works.

- (b) The waste material from the grease trap must be discarded in accordance with applicable state, county, and local regulations. Retail food establishment operators shall be

responsible, after cleaning the grease trap, to have the contents of the grease trap removed by a private waste hauler firm hired by the food establishment. In no way shall the waste material removed from the grease trap be returned to any private or public portion of the Borough's sanitary sewer system

(c) Maintenance log; records retention.

(i) The retail food establishment shall insure that a grease trap maintenance log is maintained on premises for inspection by the Health Officer or designee. Such log shall be maintained conspicuously on a wall in the vicinity of the service area. The maintenance log shall be maintained for 24 months from the maintenance date, noting the name of the waste hauler, address, phone number, date waste was removed and volume (in gallons) that was removed from the premises.

(ii) No retail food establishment will be issued a renewal license to operate within the Borough without presenting a copy of an updated maintenance log to the Health Department with the license application, except those establishments which sell packaged goods and/or do not produce products that require a grease trap.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. 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 4. 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 5. 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 8th day of February 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 14th date of March 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

BOROUGH OF NETCONG

ORDINANCE NO. 2024 - 6

**AN ORDINANCE AMENDING CHAPTER 246 OF THE CODE OF THE
BOROUGH OF NETCONG AND ESTABLISHING TREE REMOVAL
AND REPLACEMENT REQUIREMENTS**

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 246, “Stormwater Control”, of the Revised General Ordinances of the Borough of Netcong, shall be amended by the inclusion of new Article III “Tree Removal and Replacement” which shall read, in its entirety, as follows:

ARTICLE III

TREE REMOVAL AND REPLACEMENT

246-19. Purpose

The purpose of this Article is to establish requirements for tree removal and replacement in the Borough of Netcong in order to comply with the NJDEP Tier A MS4 permit renewal requirements established by the State of New Jersey.

246-20. 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 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a $CRR = 6'' \times 1.5' = 9'$.

- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
1. Has an infectious disease or insect infestation;
 2. Is dead or dying;
 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.);
 5. Is determined to be a threat to public health, safety, and/or welfare by a licensed Landscape Architect, certified arborist, Licensed Tree Expert (LTE) or Licensed Tree Care Operator (LTCO).
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" mean the area within the public right-of-way between the abutting property line and the curb or edge of pavement, exclusive of any sidewalk.
- G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. "Street Tree" means a tree planted within the public right-of-way. This also includes trees planted within shade tree easements.
- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application

of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

246-21. Regulated Activities

A. Application Process

1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property which is not exempted from the requirements of this ordinance shall submit a Tree Removal Application to the Zoning Officer of the Borough. No tree shall be removed, unless exempted under Section 246-22 until municipal officials have reviewed and approved the removal.
2. For larger scale clearing projects over 5,000 square feet, the applicant shall submit a tree survey as part of the application to determine number, sizes, and exemptions of trees.
3. Applicants will be subject to a \$25 application fee.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section 246-22, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more tree(s), unless exempt under Section 246-22, as defined as Tree removal, with a DBH of 6", shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with a list of approved trees and planting requirements kept on file in the Public Works Department

Replacement tree(s) shall:

1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. The applicant shall post a bond for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

C. Replacement Alternatives:

If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in a separate area(s) approved by the municipality.
- b. Pay a fee of per tree removed in accordance with the formula established and on file with the Borough Administrator. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

246-22. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, when requested by the Borough, in writing, by all persons claiming an exemption:

- A. The removal of one tree that falls into category 1, 2, or 3 of the Tree Replacement Requirements Table from a single lot within a two-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

246-23 Enforcement:

This ordinance shall be enforced by the Department of Public Works during the course of ordinary enforcement duties.

246-24 Violations and Penalties

Any person who violates or who fails or refuses to comply with the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$1,000 and/or any other

penalty that is consistent with Chapter 74, Violations and Penalties, of the Municipal Code for each offense.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. 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 8th day of February, 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 14th day of March, 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

Ordinance 2024-7

AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO EXECUTE AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT FOR AMERICAN LEGION AMBULANCE CORP OF STANHOPE/NETCONG'S "COIN DROP" ON JUNE 7TH, JUNE 8TH 2024 AND ON SEPTEMBER 20TH, AND SEPTEMBER 21ST 2024 AT THE INTERSECTIONS OF ALLEN STREET AND LEDGEWOOD AVENUE AND MAIN STREET AND ROUTE 46 IN THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the members of American Legion Ambulance Corp of Stanhope/ Netcong wish to hold their annual "Coin Drop" on June 7th, June 8th 2024, with rain dates of June 21st, June 22nd, 2024 and on September 20th, and September 21st, 2024, with rain dates of September 27th, September 28th, 2024 at the intersections of Allen Street and Ledgewood Avenue and Main Street and Rt. 46 in the Borough of Netcong; and

WHEREAS, N.J.S.A. 39:4-60 requires charitable organizations to obtain municipal approval before soliciting contributions within a municipal roadway; and

WHEREAS, charitable organizations are also required to obtain a Charitable Solicitation permit from the New Jersey Department of Transportation (hereinafter, "NJDOT"); and

WHEREAS, the NJDOT application must be accompanied by a certified copy of a municipal ordinance approving the solicitation and authorizing the appropriate municipal official to execute the application on behalf of the municipality; and

WHEREAS, the Borough's Chief of Police has reviewed the Ambulance Corp's solicitation plan and has found same to be acceptable and in accordance with the NJDOT's guidelines; and

WHEREAS, the Borough Council wishes to approve the Ambulance Corp's request in accordance with the procedures established in N.J.S.A. 39:4-60.

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 Borough of Netcong hereby approves the American Legion Ambulance Corp of Stanhope/Netcong's request to hold a "Coin Drop" at the intersection of Allen Street and Ledgewood Avenue. The dates and times approved for said solicitation are as follows: Friday, June 7th 2024, between the

hours of 2:30 p.m. to 7:00 p.m.; Saturday, June 8th, 2024, between the hours of 9:00 a.m. to 3:30 p.m. with rain dates of June 23rd, June 24th, 2024 and on Friday, September 20th, 2024 between the hours of 2:30 p.m. to 7:00 p.m.; Saturday, September 21st, 2024, between the hours of 9:00 a.m. to 3:30 p.m. with rain dates of September 27th and September 28th 2024.

SECTION 2. The approval authorized herein is subject to and expressly conditioned upon the following:

- a. The Ambulance Corp's compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Morris County Board of Chosen Freeholders and the NJDOT.

SECTION 3. The Chief of Police is hereby authorized and directed to execute the application for a Charitable Solicitation Permit for American Legion Ambulance Corp of Stanhope/Netcong's "Coin Drop," provided the above-stated conditions are met. The Netcong Borough Police Department shall be responsible for supervising the solicitation and enforcing the terms of the Charitable Solicitation Permit issued by the NJDOT.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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

ATTEST:

By: _____
Elmer Still, Mayor

Cynthia Eckert, Borough Clerk
Introduced: 2/8/24
Adopted: