



DELAWARE TOWNSHIP **COMMITTEE MEETING AGENDA** **MARCH 8, 2021 at 7:30 PM**

Zoom: <https://us02web.zoom.us/j/89232621977>
Meeting ID: 892 3262 1977/ Phone: 1-646-558-8656

1. CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this special meeting was faxed to the Hunterdon County Democrat, Trenton Times, Courier News and the Star Ledger; was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 14, 2021.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Charles Herman, Daniel Kwasnik, Susan Lockwood, Joseph Vocke, James Waltman

4. APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

February 8, 2021 – Regular Meeting

February 8, 2021 – Executive Session

6. TOWNSHIP COMMITTEE LIAISON REPORTS

A. Public Works

B. Public Safety

C. Open Space/Pipeline

D. Board of Education/HCRHS

7. OPEN TO THE PUBLIC – (For items on the agenda)

8. INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance No. 2021-04 – An Ordinance of the Township of Delaware, County of Hunterdon, State of New Jersey Amending Chapter 319-27 of the Ordinances of the Township of Delaware Regarding Existing Sidewalks

1. Read by Title

2. Introduce on 1st Reading

3. Set Public Hearing Date

Introduction: Ordinance No. 2021-05 – An Ordinance of the Township of Delaware, County of Hunterdon, State of New Jersey Amending Chapter 375-2(A) Definitions of the Ordinances of the Township of Delaware

1. Read by Title

2. Introduce on 1st Reading

3. Set Public Hearing Date

Public Hearing: Ordinance No. 2021-01 – An Ordinance to Amend Chapter 230-114 of the Code of the Township of Delaware Entitled "Stormwater Management" To Reflect Amendments to The New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020

1. Read by Title

2. Public Hearing

3. Action on Ordinance

Public Hearing: Ordinance No. 2021-02 – Calendar Year 2021 Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.4)

1. Read by Title
2. Public Hearing
3. Action on Ordinance

Public Hearing: Ordinance No. 2021-03 – Bond Ordinance Providing for Improvements to Rittenhouse Road In and By The Township Of Delaware, In The County of Hunterdon, New Jersey, Appropriating \$230,068 Therefor and Authorizing The Issuance of \$101,500 Bonds or Notes of The Township to Finance Part of The Cost Thereof.

1. Read by Title
2. Public Hearing
3. Action on Ordinance

9. **RESOLUTION #2021-26:** To Accept Maintenance Bond for Lower Ferry Road Improvement Project

RESOLUTION #2021-27: 2021 Township Employee Salaries and Wages

10. NEW BUSINESS/OTHER

- A. Discussion on Street Name for New Development off of Sandbrook Headquarters Road
- B. Discussion of moving Township Committee meeting to the third Monday of every month
- C. Discussion / Approval of Deer Management Services Agreement between the Township of Delaware and Edward J. Flemming/Deer-Trac Sportsmen's Club
- D. Discussion on the duties of the Historic Advisory Committee

11. OPEN TO THE PUBLIC

12. FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

13. APPROVAL OF BILL LIST

14. CORRESPONDENCE

- A. DTMUA Meeting Minutes from January 7, 2021
- B. Rutgers University Center for Government Services "The Power & Duties of the Municipal Governing Body" Seminar
- C. State of New Jersey, Agricultural Development Committee Re: Municipal Planning Incentive Grant Fiscal Year 2021 Appropriation Announcement
- D. MG Engineering Associates, LLC Re: 7 Ferry Street – Residence, Demolition/Construction DRCC#: 20-5642
- E. NJLM Online Education Opportunities for Licensed & Elected Officials
- F. State of New Jersey Executive Order Raising Indoor Capacity Limits from 25% to 35% for Certain Businesses
- G. NJLM email Re: Legislation Advancing That Could Have Chilling Effect on Redevelopment
- H. Copy of Ordinance No. 21-05-2021 Introduced and Adopted on First Reading by the Kingwood Township Committee on February 4, 2021
- I. State of New Jersey, Dept. of Environmental Protection Re: Flood Hazard Area Modification Request, File No. 1007-18-0003.1.1FHA 200001
- J. Comcast of Southeast Pennsylvania, LLC and Comcast of Central New Jersey II, LLC Franchise Certificates Expiration of March 5, 2021 with Automatic Renewal Agreement in Effect Until March 5, 2031

- K. Delaware Township Tax Collector's Annual Report – 2020
- L. D&R Canal Commission Staff Report, DRCC#: 20-5642, 7 Ferry Street
- M. RAMM Environmental Services, Inc. Re: 2020 New Jersey Right to Know Survey Compliance Services, PEOSHA Hazard Communication Standard Training and Written Program – Price Quotations for Consideration
- N. Hunterdon County Division of Senior, Disabilities & Veterans Services Winter 2021 Newsletter
- O. Hunterdon County 'Veterans, You Earned it!' Campaign
- P. Appalachia Hydrogeologic & Environmental Consulting, LLC Re: Submittal of Response Action Outcome (RAO-A Limited Restricted Use) Block 38, Lot 22 835 Sergeantsville Rd
- Q. JCP&L Re: Verified Petition of Jersey Central Power & Light Company for Approval of an Advanced Metering Infrastructure (AMI) Program (JCP&L AMI) BPU Docket No. EO20080545
- R. NJLM email Re: Governor Delivers FY 22 Budget Address; AG Cannabis Resource
- S. NJLM letter Re: 27th Annual Scholarship Competition
- T. Kean University Foundation letter Re: President Repollet's Future Scholarship Fund
- U. Environmental Commission Alternate II Member Deb Polay to replace Linda Bradway

15. EXECUTIVE SESSION: Approval of Resolution #2021-28: To Enter into Executive Session for the Purpose of Discussing Contracts and Subjects Falling Under Attorney-Client Privilege. The discussion is expected to take approximately 30 minutes. Action may be taken.

16. ADJOURNMENT



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES

February 8, 2021 – 7:30 PM

Via Zoom

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on January 11, 2021 at 7:30 PM. Mayor Waltman announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat, Trenton Times, Courier News and the Star Ledger, was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 5, 2021.

PLEDGE OF ALLEGIANCE

Mayor Waltman led those in attendance in the pledge to the nation's flag.

ROLL CALL

Present: Mayor James Waltman, Deputy Mayor Josepe Vocke, Committee Members Charles Herman, Daniel Kwasnik and Susan Lockwood along with Township Clerk Maria Andrews, Deputy Township Clerk Tiffany Crivelli, Chief Financial Officer Diane McDaniel and Township Attorney Joseph Tauriello .

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Lockwood, seconded by Vocke, to approve the Committee's 1/11/2021 Regular, 1/25/2021 Special and 1/25/2021 Executive Session meeting minutes with no revisions noted was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeeman Kwasnik noted that we had two snowstorms where Jay was not here, but that Mike took charge and everything went very well. The township received many compliments. The school was having problems keeping up with their lots during the first storm, but DPW assisted them. The second storm was much easier and quicker to clear and again everyone did a great job. Mayor Waltman agreed that everyone did a fantastic job with both storms.

Committeewoman Lockwood noted that the Open Space Coordinator is leaving, but happy for her and future endeavors and wishes her well. Committeewoman Lockwood also noted that the United States Supreme Court will hear the Penneast appeal to allow the pipeline to go thru State property.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment for any items listed on the agenda.

Charles Cline of 139 Upper Creek Road, complimented Committeeman Kwasnik and the DPW on the snow plow removal. He noted a few years ago, the township ran out of salt, what is the is the current status? Committeeman Kwasnik noted that we are in good shape, and although we may be salting more with the temperature changes we will be ok.

John "Mark" Zdepski, President of Friends of Locktown Stone Church, advised that they received the permit from the State of New Jersey and can start the plans to build a 750 sq ft Carriage Shed with

Restrooms that is going to cost approximately \$180-\$200k. They will need to go through the Township for the permit. He advised he would like the Township Committee to set up a mechanism to handle the process and utilize the Township engineer and attorney to assist since this is a Township owned property, and asked how this should be handled. Charles Cline, Board of Adjustment, advised he needed variances, exceptions to ordinances, and that the Board of Adjustment would need a letter of recommendation that the fees can be waived to start the application process.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

**Delaware Township
Ordinance No. 2021 - 01
Ordinance to Amend Chapter 230-114 of the
Code of the Township of Delaware
Entitled "Stormwater Management" To Reflect Amendments to The
New Jersey Stormwater Management Rules at N.J.A.C. 7:8,
Adopted March 2, 2020**

WHEREAS, the Township of Delaware has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Management Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that Chapter 230-114 of the code of the Township of Delaware, entitled "Stormwater Management", is amended as follows:

Part One - Chapter 230-114 of the Code of the Township of Delaware entitled "Stormwater Management" shall be replaced in its entirety as follows:

§230-114 Stormwater Management

Section I. Scope, Purpose and Fees:

A. Policy Statement.

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

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

B. Purpose.

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

C. Applicability.

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. In the case of agricultural or horticultural development that meets the definition of "major development" under N.J.A.C. 7:8, a farm conservation plan that addresses the protection of soil and water resources shall be developed and implemented. Such a plan shall be approved by the Hunterdon County Soil Conservation District.
3. This ordinance shall also be applicable to all major developments undertaken by the Township of Delaware and other governmental entities.

D. Review Fees and Inspection Escrows.

1. Review Fees

- a. When stormwater management plans are required to be prepared and submitted for review and approval under this section, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of this chapter.
- b. A review fee of \$500 shall be paid to the Township whenever:

- i. A stormwater management plan is required to be prepared and submitted for review and approval under this section, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
 - ii. A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Planning Board or Board of Adjustment, and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.
- 2. Inspection Escrows.
 - a. When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.
 - b. When stormwater management improvements are constructed in conjunction with a minor subdivision approval, or variance approval for which no site plan was required, then a construction inspection escrow account shall be established with the Township in the manner as provided in this chapter and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- E. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the

context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA CENTERS, CORES OR NODES

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

An agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency or a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

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

DEVELOPMENT

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

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

DISTURBANCE

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

DRAINAGE AREA

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

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

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

EMPOWERMENT NEIGHBORHOODS

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

EROSION

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

GREEN INFRASTRUCTURE

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

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

HUC 14 or HYDROLOGIC UNIT CODE 14

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

KARST TERRAIN

An area where karst topography, with its characteristic surface and subterranean features, is developed as a result of the dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include but are not limited to sinkholes, sinking streams, caves, blind valleys, large springs and subterranean drainage. See also "limestone area."

LIMESTONE AREA

An area of Hunterdon County underlain by carbonate sedimentary rock consisting chiefly of calcium carbonate. Limestone is commonly used as a general term for the

class of rocks that consist of at least 80% calcium or magnesium carbonate. See also "karst terrain."

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

Any city, borough, town, township, or village. For the purposes of this ordinance, the Township of Delaware.

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

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

NODE

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

NUTRIENT

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

PERSON

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

POLLUTANT

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

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

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

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

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

SEDIMENT

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

SITE

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

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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

STATE PLAN POLICY MAP

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

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT MEASURE

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

STORMWATER RUNOFF

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

STORMWATER MANAGEMENT PLANNING AGENCY

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

STORMWATER MANAGEMENT PLANNING AREA

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

TIDAL FLOOD HAZARD AREA

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

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

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Defined as previously developed portions of areas:

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

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS or WETLAND

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

Section III. Design and Performance Standards for Stormwater Management Measures

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

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. Scope. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

| <u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u> | | | | |
|---|--|--|------------------------------------|--|
| <u>Best Management Practice</u> | <u>Stormwater Runoff Quality TSS Removal Rate (percent)</u> | <u>Stormwater Runoff Quantity</u> | <u>Groundwater Recharge</u> | <u>Minimum Separation from Seasonal High Water Table (feet)</u> |

| | | | | |
|--|-------------------|------------|---|--|
| <u>Cistern</u> | <u>0</u> | <u>Yes</u> | <u>No</u> | <u>--</u> |
| <u>Dry Well^(a)</u> | <u>0</u> | <u>No</u> | <u>Yes</u> | <u>2</u> |
| <u>Grass Swale</u> | <u>50 or less</u> | <u>No</u> | <u>No</u> | <u>2^(e)</u> <u>1^(f)</u> |
| <u>Green Roof</u> | <u>0</u> | <u>Yes</u> | <u>No</u> | <u>--</u> |
| <u>Manufactured Treatment Device^(a) (g)</u> | <u>50 or 80</u> | <u>No</u> | <u>No</u> | <u>Dependent upon the device</u> |
| <u>Pervious Paving System^(a)</u> | <u>80</u> | <u>Yes</u> | <u>Yes^(b)</u> <u>No^(c)</u> | <u>2^(b)</u> <u>1^(c)</u> |
| <u>Small-Scale Bioretention Basin^(a)</u> | <u>80 or 90</u> | <u>Yes</u> | <u>Yes^(b)</u> <u>No^(c)</u> | <u>2^(b)</u> <u>1^(c)</u> |
| <u>Small-Scale Infiltration Basin^(a)</u> | <u>80</u> | <u>Yes</u> | <u>Yes</u> | <u>2</u> |
| <u>Small-Scale Sand Filter</u> | <u>80</u> | <u>Yes</u> | <u>Yes</u> | <u>2</u> |
| <u>Vegetative Filter Strip</u> | <u>60-80</u> | <u>No</u> | <u>No</u> | <u>--</u> |

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

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

| | | | | |
|------------------------------|-------|-----|-----|-----|
| Sand Filter ^(b) | 80 | Yes | Yes | 2 |
| Standard Constructed Wetland | 90 | Yes | No | N/A |
| Wet Pond ^(d) | 50-90 | Yes | No | N/A |

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

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

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section IV.0.2;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent

of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at Section II;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 0.2 are subject to the contributory drainage area limitation specified at Section 0.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 0.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

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

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

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table;

soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined

utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

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

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

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

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

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

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

P. Groundwater Recharge Standards

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

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent (80%) TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

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

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

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

Where

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

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

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

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

R. Stormwater Runoff Quantity Standards

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

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using one of the following methods:

- i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

Section VI. Sources for Technical Guidance:

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

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

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

Section VII. Solids and Floatable Materials Control Standards:

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

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

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

Section VIII. Safety Standards for Stormwater Management Basins:

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

in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

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

one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

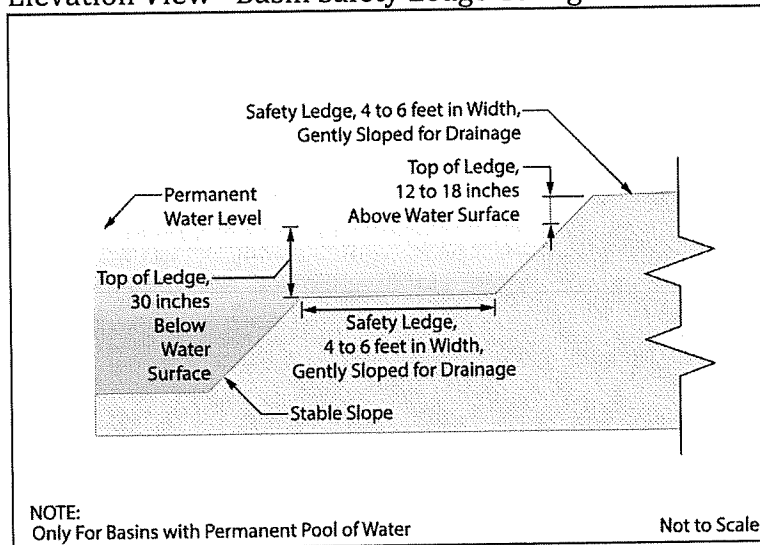
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit the number of copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for

stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

Section X. Maintenance and Repair:

A. Applicability

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

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned

incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.). of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the

municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

Part Two - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Part Three - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

**Delaware Township
Ordinance No. 2021 - 02
Calendar Year 2021 Ordinance to Exceed Municipal Budget Appropriation Limits and
to Establish a CAP Bank
(N.J.S.A. 40A:4-45.4)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

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

WHEREAS, the Governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$93,991.13 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Governing body of Township of Delaware, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Delaware shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$131,587.58, and that the CY 2021 municipal budget for the Township of Delaware be approved and adopted in accordance with this ordinance; and,

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

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

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

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

**Delaware Township
Ordinance No. 2021 - 03
Improvements to Rittenhouse Road**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO RITTENHOUSE ROAD IN AND BY THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$230,068 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$101,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Delaware, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$230,068, including a grant from the State of New Jersey Department of Transportation in the amount of \$128,568 (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$101,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Rittenhouse Road, including, but not limited to, excavation, milling, and swale reconstruction and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell

part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$101,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law
APPROVAL OF RESOLUTIONS #2021-19, 2021-20, 2021-21, 2021-22, 2021-23, 2021-24
Delaware Township Resolution #2021-19
Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020 – June 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Delaware, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Delaware, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year R 2021 in the amount of:

| | |
|------------|--------------|
| DEDR | \$ 10,007.00 |
| Cash Match | \$ 2,501.75 |
| In-Kind | \$ 7,505.25 |

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. The Township Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

APPROVED:

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of Delaware, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 8th day of February, 2021.

Maria Andrews, Township Clerk, RMC

Approved: February 8, 2021

**Delaware Township Resolution #2021-20
Regarding Emergency Remote Meeting Protocol, Procedures and Requirements for Public
Participation at Remote Meetings**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an

open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a "Declared Emergency" means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Township of Delaware (the "Township") holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Township Committee shall either:

Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or

Hold the public meeting remotely; and

WHEREAS, no in person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, a public meeting held in person shall not prohibit members of the public from attending in person; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Township holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Township in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Township holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website (www.delawaretnj.org) of the Township; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Township to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Mayor or his designee, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Township Committee shall make a copy of the agenda available to the public for download on the website at www.delawaretnj.org and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Township Committee recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Township Committee decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or his designee, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the bulletin board where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any public or remote public meetings in the Township of Delaware and shall apply to all members of the public in attendance at any public or remote public meeting in the Township of Delaware.

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Township Clerk of the Township of Delaware, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on February 8, 2021.

Maria Andrews, Township Clerk, RMC

Approved: February 8, 2021

**Delaware Township Resolution #2021-21
Rittenhouse Road Project**

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Rittenhouse Road Project.

NOW, THEREFORE, BE IT RESOLVED that Delaware Township Committee formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Delaware Township Mayor, Township Committee and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Rittenhouse

Road Improvements-00642 to the New Jersey Department of Transportation on behalf of Delaware Township.

BE IT FURTHER RESOLVED that the Mayor, Township Committee and Clerk are hereby authorized to sign the grant agreement on behalf of Delaware Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2021-21 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 8, 2021.

Maria Andrews, Township Clerk, RMC

Approved February 8, 2021

**Delaware Township Resolution #2021-22
Stark Tax Exemption**

WHEREAS, the Delaware Township Tax Assessor received certification from the Department of Veterans Affairs confirming the status of a deceased 100% permanently and totally disabled veteran whose widow, Linda Stark, is the owner and occupant of Block 24.01 Lot 6, 10 Higgins Farm Road; and

WHEREAS, the deceased veteran became eligible for the exemption from taxation when New Jersey voters approved a Constitutional Amendment, effective December 4, 2020, that eliminated the wartime service requirement for the Disabled Veteran Property Tax Exemption. The property will remain exempt from taxation while it remains the principal residence of the widow of the deceased 100% disabled veteran, John James Stark, and Linda Stark does not remarry; and

WHEREAS, the Assessor is requesting a refund of the prorated taxes paid by Mrs. Stark for the fourth quarter of 2020 in the amount of \$780.11 which represents taxes paid from 12/4/2020 to 12/31/2020; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that all billing for the remainder of tax year 2021 be

cancelled for Block 24.01 Lot 6, and the records of the Tax Collector be adjusted to reflect the exempt status of this property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved February 8, 2021

Delaware Township Resolution #2021-23
Authorizes Execution of a Shared Police Services Agreement
Between The Township of Delaware And
The Borough of Stockton

WHEREAS, Stockton Borough has a need for increased enforcement of traffic laws within its borders to supplement New Jersey State Police coverage; and

WHEREAS, Delaware Township through the Delaware Township Police Department can provide supplementary traffic enforcement services to Stockton Borough using existing manpower and equipment; and

WHEREAS, both parties have agreed that the Delaware Township Police Department will provide supplemental traffic enforcement services to Stockton Borough in accordance with the Uniform Shared Services and Consolidated Act, N.J.S.A. 40A:65-1 et seq. and under the terms and conditions of the Shared Police Services Agreement to be executed by both parties; and

WHEREAS, the Delaware Township Attorney and Stockton Borough Attorney have prepared and approved said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that:

1. The Mayor and Clerk are hereby authorized and directed to execute a Shared Services Agreement for Police Services in the Borough of Stockton. The term of the Shared Services Agreement shall be one year effective January 1, 2020 and extending to December 31, 2024 unless terminated sooner. The parties may agree in writing to renegotiate or extend this Agreement at the expiration of its term for an additional one (5) year term.
2. A copy of this Resolution and the executed Shared Services Agreement shall be forwarded to the Department of Community Affairs.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of Delaware, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 8th day of February, 2021.

Maria Andrews, Township Clerk, RMC

Approved January 8, 2021

**Delaware Township Resolution #2021-24
Authorizes Execution of a Shared Police Services Agreement
Between The Township of Delaware And
The Township of East Amwell**

WHEREAS, Township of East Amwell has a need for increased enforcement of traffic laws within its borders to supplement New Jersey State Police coverage; and

WHEREAS, Delaware Township through the Delaware Township Police Department can provide supplementary traffic enforcement services to the Township of East Amwell using existing manpower and equipment; and

WHEREAS, both parties have agreed that the Delaware Township Police Department will provide supplemental traffic enforcement services to Township of East Amwell in accordance with the Uniform Shared Services and Consolidated Act, N.J.S.A. 40A:65-1 et seq. and under the terms and conditions of the Shared Police Services Agreement to be executed by both parties; and

WHEREAS, the Delaware Township Attorney and Township of East Amwell Attorney have prepared and approved said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that:

1. The Mayor and Clerk are hereby authorized and directed to execute a Shared Services Agreement for Police Services in the Township of East Amwell. The term of the Shared Services Agreement shall be two-year effective January 1, 2021 and extending to December 31, 2022 unless terminated sooner. The parties may agree in writing to renegotiate or extend this Agreement at the expiration of its term for a two (2) term.

2. A copy of this Resolution and the executed Shared Services Agreement shall be forwarded to the Department of Community Affairs.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of Delaware, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 8th day of February, 2021.

Maria Andrews, Township Clerk, RMC

Approved: February 8, 2021

NEW BUSINESS/OTHER

A motion by Lockwood, seconded by Herman, to approve the Open Space Improvement and Maintenance Plan was unanimously approved by voice vote.

A motion by Herman, seconded by Vocke, to approve the Animal Control Solutions holding facility contract for the Board of Health was unanimously approved by voice vote.

Mayor Waltman noted how residents have expressed on Facebook that they would like a dog park at Sarah Dilts Farm Park, is this something we should pursue? Committee Herman noted that one challenge would be restricting the use to just Township residents. Other challenges would be with JIF, cannot control what dogs are and are not allowed, etcetera. Township Attorney Joseph Tauriello noted there are a lot of concerns for safety and health of everyone. Committeewoman Lockwood noted that Kingwood park is popular and perhaps the Township could look into how they set up theirs. Committeeman Herman noted that our location would be more centralized to larger areas bringing more use. There are already a lot of complaints at the park for dogs off leash and people not cleaning up after their dogs. For now, more signage for pickup and leashes should be placed and the idea of a dog park can be revisited at a later date. Committeewoman Lockwood will look into Kingwood's dog park plan.

Mayor Waltman noted that there have been some complaints received with sidewalks not being shoveled making passage hazardous from the center of town to the school. Township Attorney Joseph Tauriello advised there is no current ordinance requiring residents to shovel the sidewalks in front of their homes. Township Attorney Tauriello also advised against making it the responsibility of the township or the school, and that it should be the homeowners responsibility, Township Attorney Tauriello would draft an amendment to the current ordinance.

Mayor Waltman noted that there is a resident with a faulty fence whose livestock keeps escaping and causing a public nuisance. Animal Control cannot assist, and the police department has gone out a lot of times to assist with herding the animals back. Should there be fines associated with this for improper fencing since this is an ongoing issue? What else can be done? Committeewoman Lockwood noted that there was a huge backlash when the Township attempted to draft an animal/acreage ordinance in the Township, but felt a fine for ongoing instances is fair. Township Attorney Tauriello would look more into this as a land use issue versus a nuisance and possibly draft an ordinance.

Mayor Waltman acknowledged the resignation of Katherine Fullerton as Open Space Coordinator. Katherine was thanked for all her hard work and helping to preserve so much land within the Township.

Mayor Waltman acknowledged the resignation of Robert Kleckner as PERC Test Witness effective April 30, 2021 after 35 years of service to the Township.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment for any items listed on the agenda.

Charles Cline of 139 Upper Creek Road, asked if the improvements to Rittenhouse Road and Severns Way included speed mitigation? Mayor Waltman advised that would be looked into.

Charles Cline also noted that he has noticed that loose dogs are a bigger issue and will that be addressed? Committeeman Herman advised there is already an ordinance for loose dogs in the Township.

Charles Cline noted that there are new requirements for the Master Plan with the DEP and more language was put in.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeeman Herman noted that DPW should install more leash reminder signs on the trails at Dilts park. Committeeman Herman also noted that the Recreation Commission has a lot of plans of things to do with Dilts park. Committeeman Herman thanked Katherine Fullerton and told her she was a pleasure to work with and left big shoes to fill.

Committeewoman Lockwood noted she is interested in the future plans for Dilts Park and would like more trees replaced. Committeewoman Lockwood also noted that there are increasing concerns on the erosion of Lower Creek Road.

Committeeman Vocke thanked Katherine Fullerton for all her hard work.

Mayor Waltman thanked DPW for doing a fantastic job with all the snow so far and noted we did not lose many mailboxes!

APPROVAL OF THE BILL LIST

A motion by Herman, seconded by Vocke to approve payment of the \$1,023,823.28 bill list was unanimously approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

EXECUTIVE SESSION: Approval of Resolution #2021-25: To Enter into Executive Session for the Purpose of Discussing Contracts and Subjects Falling Under Attorney-Client Privilege - *The discussion is expected to take approximately 30 minutes. Action may be taken.*

A motion by Herman, seconded by Vocke to approve Resolution #2021-25 and enter into Executive Session was unanimously approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Resolution #2021-25

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; and

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

NOW, THEREFORE BE IT RESOLVED by the Committee of Delaware Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Contracts and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 30 minutes. Action may be taken.
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Herman, seconded by Vocke to return to Open Session was unanimously approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

It was noted for the record that the Committee was in Executive Session from 8:59 PM – 9:55 PM.

ADJOURNMENT

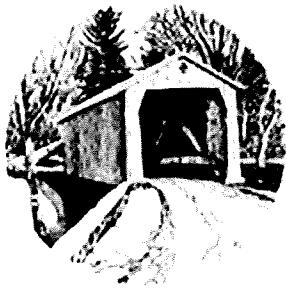
A motion by Herman, seconded by Lockwood to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:56 PM.

Tiffany Crivelli, Deputy Township Clerk

James Waltman, Mayor

Approved: March 8, 2021



**Delaware Township
Ordinance No. 2021 – 04**

**AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY AMENDING CHAPTER 319-27
OF THE ORDINANCES OF THE TOWNSHIP OF DELAWARE REGARDING
EXISTING SIDEWALKS**

§319-27(a) Existing sidewalks - Responsibility of abutting property owners.

(a) It shall be the responsibility of any property owner, lessee, tenant, occupant or person in charge of said property, building, or structure abutting a sidewalk to maintain the area on both sides of said sidewalk, so as to prevent a hazard or nuisance to pedestrians using said sidewalk. This maintenance responsibility shall include, but not be limited to, the removal of weeds, brush, obnoxious growth, as well as routine cutting of grass up to the edge of the sidewalk pavement and to the edge of the roadway pavement.

(b) Said owner, lessee, tenant, occupant or person in charge of said property shall keep vegetation (i.e., hedges, trees, branches, shrubbery) trimmed to a distance of one foot laterally from the sidewalk and height of eight feet vertical from the sidewalk.

(c) No person shall sweep or deposit into any gutter, street, storm sewer inlet or other public place any accumulation of litter removed from any public or private sidewalk, path or driveway. Failure of any person to maintain said areas described above shall permit the Township to undertake said maintenance and assess the cost of same to the property owner as permitted by §319-27 (d) of this Ordinance.

§319-27(b) Repair and reconstruction; exceptions.

(a) Generally. Unless otherwise specifically directed by the Township Committee for a specific municipal project, or as otherwise specifically provided in (b) below, any sidewalk that is in need of repair or reconstruction shall be repaired or reconstructed wholly at the cost of the owner of the real estate abutting such sidewalk in accordance with this Ordinance. If a specific repair or reconstruction is undertaken by the municipality for a given project, then the owner of the real estate abutting such sidewalk shall nonetheless be responsible thereafter for its maintenance, and any subsequent required repairs or reconstruction, as required in this Ordinance.

(b) Repairs necessitated by municipal trees.

(1) Notice. If any sidewalk is found to have been raised and/or damaged by municipally owned trees, the owner of the property in front of which the sidewalk is located shall have the primary responsibility for notifying the municipal engineer in writing of the condition.

(2) Inspection. The municipal engineer shall perform an inspection of the sidewalk after receiving such notice and shall consult with the municipal arborist and/or the director of infrastructure and operations as to any remedial measures available to resolve the condition. The available remedies to be considered shall include but shall not be limited to removal of the tree and/or rerouting, replacing or grinding of the sidewalk.

(3) Remediation. Once the appropriate remedy is approved by the municipal engineer, he or she shall cause to be performed, all work necessary to implement the remedial measures as soon thereafter as is reasonably possible, subject to available funding.

(4) Cost of repair. The cost of any work done to remove, repair and/or replace the municipal tree and/or sidewalk shall be borne by the municipality.

§319-27(c) Notice to Owner; municipality to do work upon failure of owner.

Whenever the municipality requires any improvement in accordance with this Ordinance where the cost is to be borne wholly by the abutting owner, the Township Committee shall cause a notice thereof to be given to the owners of all real estate affected thereby. Such notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and notice that, unless such owner completes the improvement within 60 days after service of such notice, the municipality will make the improvement at the expense of the owner. Such notice shall be served and proof of service shall be filed in the manner provided by law. If the owner of any real estate affected by such improvement shall fail to make such improvement within the time and in the manner directed by such notice, the Township Committee may cause the improvement to be made under the supervision of the municipal engineer.

§319-27 (d) Assessment of costs; lien upon real estate; payment and collection.

Whenever the Township Committee shall make such repair or reconstruction or cause it to be made in cases where the cost is to be borne wholly by the abutting owner, the municipal engineer shall keep an accurate account of the cost thereof, shall assess such cost upon the several properties abutting the improvement in proportion to the respective frontages thereon and shall file a report thereof under oath with the municipal clerk. The Township Committee shall examine such report and, if properly made, shall confirm and file it with the officer charged with the collection of assessments. Before confirming the report, the Township Committee shall give notice to the owners named therein of the time and place fixed for examination of the report,

which notice shall be serviced in the manner provided for by law. Such assessments shall bear interest from the time of confirmation at the same rate and with the same penalties for nonpayment as assessments for local improvements in the municipality, and from the confirmation thereof shall be a first and paramount lien upon the real estate assessed to the same extent and be collected and enforced in the same manner as assessments for local improvements. The Township Committee may provide for the payment and collection of such assessments in installments, if necessary, in the same manner and at the same rate of interest as assessments for local improvements are payable in installments in the municipality.

§319-27 (e) Snow and ice on sidewalks to be removed or covered by owner or occupant of bordering premises.

The owner or occupant of premises abutting or bordering on sidewalks along public streets in the municipality shall remove or cause to be removed from the sidewalks in front of or bordering upon their premises all snow and ice within 24 hours after such snow shall have ceased falling thereon or after such ice shall have formed thereon. In the case of ice that may be so frozen as to make removal impracticable, the owner or occupant shall cause the same to be thoroughly covered with sand or other suitable material, within 24 hours after such ice shall have formed thereon.

In all residential land use zones, the owner or occupant, as appropriate, shall remove snow and ice from their sidewalk at a minimum width of four feet. In all other land use zones, the owner or occupant shall remove snow and ice from the building to the curb, or snow pile or bank at the curb created by municipal snow removal operations.

In all zones, the owner or occupant must remove snow and ice from the entire width of any handicap ramps abutting street corner locations.

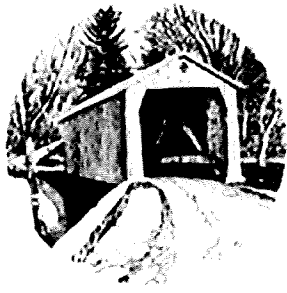
§319-27 (f) Authority of public works to remove snow and ice from sidewalks; cost to become lien on bordering real estate; enforcement.

(1) The municipality has the right to remove snow at its own cost from certain sidewalks when it deems it to be in the public interest to do so.

(2) In case snow or ice shall not be removed or such ice shall not be covered as provided in the preceding Section, the owner or occupant, as the case may be, shall be in violation of said Section.

(3) The police department shall be responsible for enforcing the provisions of this Ordinance and said violator shall be subject to such penalties provided for in §319-27 (d); §319-27(f)(4) and §319-29 of this Ordinance.

(4) In addition to the right of the municipality to issue a summons and complaint in municipal court, the director of public works shall have the authority to direct the removal or covering of snow and ice. In such event, the cost of such work shall be certified by the director of public works to the Township Committee, which shall examine such certification and, if found to be correct, shall cause such cost to be charged against the real estate abutting or bordering upon the sidewalks. The amount so charged shall become a lien and tax upon such real estate and shall be added to and be part of the taxes next to be levied and assessed on the real estate and shall be enforced and collected with interest by the same officers and in the same manner as other taxes in the municipality.



**Delaware Township
Ordinance No. 2021 – 05**

**AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY AMENDING CHAPTER 375-2(a)
DEFINITIONS OF THE ORDINANCES OF THE TOWNSHIP OF
DELAWARE**

§375-2(a) Definitions

Certain words and phrases used in this chapter shall have the meaning ascribed as follows:

ABANDONED VEHICLE- Any motor vehicle which has a defaced, changed, or obliterated serial number; or any motor vehicle which is parked or stored on a public road or property not owned by the owner of the vehicle or which is parked or stored on private property or a public road or property without having a current license or a current inspection sticker.

ANIMAL- Includes all mammals, birds, fowl, and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats). Such term shall not include fish.

DANGEROUS STRUCTURE- Any building which has deteriorated to a state where it is dangerous and unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats and other vermin or endangers the safety of children playing thereabouts.

GARBAGE- Animal, vegetable and organic and non-organic waste from the handling, preparation, cooking and consumption of food.

JUNKED VEHICLES- Any vehicle which has been stripped, damaged or is in such a state of disrepair that it has no value except for junk or salvage; or any vehicle without current license or current inspection sticker not stored within a garage.

OWNER-Includes every person, corporation, partnership or unincorporated or incorporated association that actually owns an animal, dangerous structure, junked vehicle, property, garbage, refuse or rubbish.

PERSON- Any individual, partnership or corporation or unincorporated association.

PROPERTY- Includes both private and public property.

REFUSE- Any type of material having only a junk or salvage value, including but not limited to scrap metal, glass, industrial waste, trailers, boats, furniture and parts thereof.

RUBBISH- All waste and discarded material having no value and otherwise not defined as Garbage or Refuse.

§375-2(b) Nuisances defined and prohibited

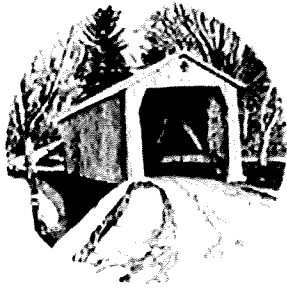
(1) The accumulation of Garbage, Refuse and Rubbish constitutes a nuisance subject to penalties as set forth in §375-4.

(2) The storage of a Junked Vehicle constitutes a nuisance subject to penalties as set forth in §375-4.

(3) An Abandoned Vehicle constitutes a nuisance subject to penalties as set forth in §375-4.

(4) (3) A Dangerous Structure constitutes a nuisance subject to penalties as set forth in §375-4.

(5) It shall be unlawful for any Person to harbor, care for, shelter, or maintain any Animal in such a manner as to disturb or unduly annoy the public through the animal's noise, barking, smell, mischief or inability to contain on Owner's Property. Such unlawful activity set forth herein shall constitute a nuisance subject to penalties set forth in §375-4.



**Delaware Township
Ordinance No. 2021 - 01
Ordinance to Amend Chapter 230-114 of the
Code of the Township of Delaware
Entitled "Stormwater Management" To Reflect Amendments to The
New Jersey Stormwater Management Rules at N.J.A.C. 7:8,
Adopted March 2, 2020**

WHEREAS, the Township of Delaware has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Management Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that Chapter 230-114 of the code of the Township of Delaware, entitled "Stormwater Management", is amended as follows:

Part One - Chapter 230-114 of the Code of the Township of Delaware entitled "Stormwater Management" shall be replaced in its entirety as follows:

§230-114 Stormwater Management

Section I. Scope, Purpose and Fees:

A. Policy Statement.

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

stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose.

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

C. Applicability.

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. In the case of agricultural or horticultural development that meets the definition of "major development" under N.J.A.C. 7:8, a farm conservation plan that addresses the protection of soil and water resources shall be developed and implemented. Such a plan shall be approved by the Hunterdon County Soil Conservation District.
3. This ordinance shall also be applicable to all major developments undertaken by the Township of Delaware and other governmental entities.

D. Review Fees and Inspection Escrows.

1. Review Fees
 - a. When stormwater management plans are required to be prepared and submitted for review and approval under this section, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of this chapter.
 - b. A review fee of \$500 shall be paid to the Township whenever:
 - i. A stormwater management plan is required to be prepared and submitted for review and approval under this section, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

- ii. A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Planning Board or Board of Adjustment, and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

2. Inspection Escrows.

- a. When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.
- b. When stormwater management improvements are constructed in conjunction with a minor subdivision approval, or variance approval for which no site plan was required, then a construction inspection escrow account shall be established with the Township in the manner as provided in this chapter and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

Section II. Definitions:

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

CAFRA CENTERS, CORES OR NODES

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

An agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency or a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

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

DEVELOPMENT

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

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

DISTURBANCE

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

DRAINAGE AREA

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

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

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

Project as approved by the Department's Endangered and Nongame Species Program.

EMPOWERMENT NEIGHBORHOODS

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

EROSION

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

GREEN INFRASTRUCTURE

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

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

HUC 14 or HYDROLOGIC UNIT CODE 14

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

KARST TERRAIN

An area where karst topography, with its characteristic surface and subterranean features, is developed as a result of the dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include but are not limited to sinkholes, sinking streams, caves, blind valleys, large springs and subterranean drainage. See also "limestone area."

LIMESTONE AREA

An area of Hunterdon County underlain by carbonate sedimentary rock consisting chiefly of calcium carbonate. Limestone is commonly used as a general term for the class of rocks that consist of at least 80% calcium or magnesium carbonate. See also "karst terrain."

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*;
or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

Any city, borough, town, township, or village. For the purposes of this ordinance, the Township of Delaware.

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

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

NODE

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

NUTRIENT

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

PERSON

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

POLLUTANT

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

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

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

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

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

SEDIMENT

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

SITE

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

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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

STATE PLAN POLICY MAP

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

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT MEASURE

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

STORMWATER RUNOFF

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

STORMWATER MANAGEMENT PLANNING AGENCY

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

STORMWATER MANAGEMENT PLANNING AREA

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

TIDAL FLOOD HAZARD AREA

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

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

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Defined as previously developed portions of areas:

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

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS or WETLAND

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

Section III. Design and Performance Standards for Stormwater Management Measures

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

- B. Scope. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

| Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity | | | | |
|---|---|-----------------------------------|-----------------------------|---|
| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
| Cistern | 0 | Yes | No | -- |
| Dry Well ^(a) | 0 | No | Yes | 2 |
| Grass Swale | 50 or less | No | No | 2 ^(e) 1 ^(f) |
| Green Roof | 0 | Yes | No | -- |

| | | | | |
|--|----------|-----|---|--------------------------------------|
| Manufactured Treatment Device ^(a) (g) | 50 or 80 | No | No | Dependent upon the device |
| Pervious Paving System ^(a) | 80 | Yes | Yes ^(b) No ^(c) | 2 ^(b) 1 ^(c) |
| Small-Scale Bioretention Basin ^(a) | 80 or 90 | Yes | Yes ^(b) No ^(c) | 2 ^(b) 1 ^(c) |
| Small-Scale Infiltration Basin ^(a) | 80 | Yes | Yes | 2 |
| Small-Scale Sand Filter | 80 | Yes | Yes | 2 |
| Vegetative Filter Strip | 60-80 | No | No | -- |

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

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

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent

of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at Section II;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A

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

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars

of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Hunterdon County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice

has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

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

O. Green Infrastructure Standards

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

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

| | |
|--|---------------------------|
| Small-scale Infiltration Basin | 2.5 acres |
| Small-scale Sand Filter | 2.5 acres |

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

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.

4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent (80%) TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

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

R. Stormwater Runoff Quantity Standards

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

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

- A. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as

described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

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

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

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

hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

Section VI. Sources for Technical Guidance:

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

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

https://www.njstormwater.org/maintenance_guidance.htm.

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

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

Section VII. Solids and Floatable Materials Control Standards:

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

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

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

Section VIII. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

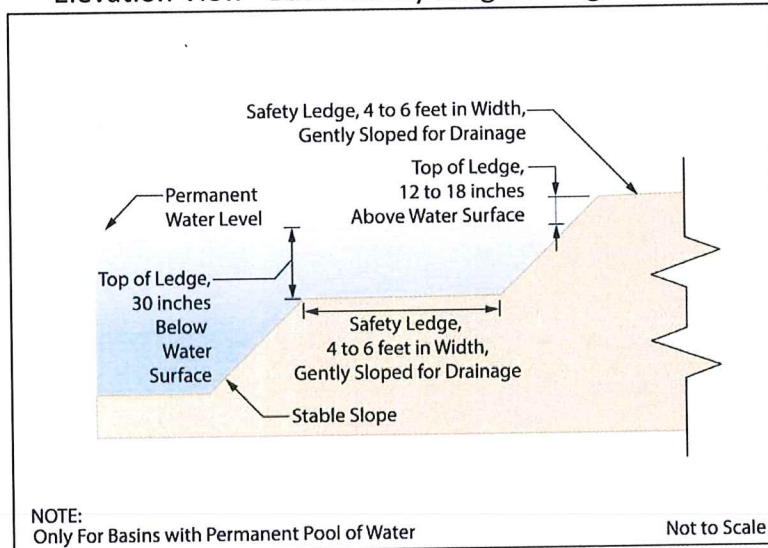
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

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

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

Section X. Maintenance and Repair:

A. Applicability

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

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

Part Two - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Part Three - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor



**Delaware Township
Ordinance No. 2021 – 02
Calendar Year 2021 Ordinance to Exceed Municipal Budget
Appropriation Limits and to Establish a CAP Bank
(N.J.S.A. 40A:4-45.4)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

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

WHEREAS, the Governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$93,991.13 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Governing body of Township of Delaware, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Delaware shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$131,587.58, and that the CY 2021 municipal budget for the Township of Delaware be approved and adopted in accordance with this ordinance; and,

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

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

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

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor



Certified Public Accountants, PC
www.bkc-cpa.com

January 28, 2021

Honorable Mayor and Members
of the Governing Body
Township of Delaware

Present legislation allows a municipal budget to increase by 1% or the Cost of Living Adjustment (COLA) for those appropriations within "CAP". Other increases will be allowed for new construction. As the COLA for 2021 is 1%, increases to the appropriations will be as reflected below.

The legislation, however, allows an increase of 3.5% if an ordinance is passed to exceed the municipal budget appropriations limit.

The impact to your municipality is as follows:

| | |
|-----------------------------|----------------------|
| Amount presently allowed | \$ 37,596.45 |
| Amount allowed by ordinance | <u>93,991.13</u> |
| Total Increase | <u>\$ 131,587.58</u> |

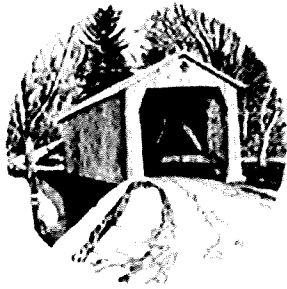
If it is your intention to increase the 2021 operating budget within "CAP" by more than presently allowed, it is necessary that the enclosed ordinance be introduced and passed. Note that certified copies are to be sent to the Division of Local Government Services when introduced and after adoption.

If there are any questions, please do not hesitate in contacting this office.

Sincerely,
BKC, CPAs, PC

A handwritten signature in black ink that reads "William Colantano".

William M. Colantano, Jr., CPA, RMA



**Delaware Township
Ordinance No. 2021 – 03
Improvements to Rittenhouse Road**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS
TO RITTENHOUSE ROAD IN AND BY THE TOWNSHIP OF
DELAWARE, IN THE COUNTY OF HUNTERDON, NEW
JERSEY, APPROPRIATING \$230,068 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$101,500 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE
COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-
thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Delaware, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$230,068, including a grant from the State of New Jersey Department of Transportation in the amount of \$128,568 (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$101,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Rittenhouse Road, including, but not limited to, excavation, milling, and swale reconstruction and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of

the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$101,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant, to payment of the obligations issued pursuant to this bond

ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.



**Delaware Township Resolution #2021-26
Accept Maintenance Bond**

WHEREAS, the Township Engineer, has recommended the acceptance of a Maintenance Bond under the terms of the contract with Top Line Construction Corporation for the Lower Ferry Road Improvement Project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the following Maintenance Bond be accepted:

Bond No. CA-3630804 M \$21,823.18

(Great American Insurance Group)

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: March 8, 2021

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, NJ 08827
T: 908.238.0900
F: 908.238.0901
www.maserconsulting.com

LETTER OF TRANSMITTAL

| | |
|-------------------------------|-----------------|
| Date: 2/11/21 | Job No.: DPT127 |
| Attention: Diane McDaniel | |
| Re: Top Line Maintenance Bond | |
| Lower Ferry Road Improvement | |
| | |
| | |
| | |

WE ARE SENDING YOU:

x Attached

☐ Under separate cover _____ the following items:

| | |
|--|----------------------|
| | Shop Drawings |
| | Samples |
| | Change order |

Prints
Specifications

| | |
|--|-----------------------|
| | Plans |
| | Copy of Letter |

[illegible]

THESE ARE TRANSMITTED as checked below:

| | |
|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | For approval |
| <input checked="" type="checkbox"/> | For your use |
| <input type="checkbox"/> | As Requested |
| <input type="checkbox"/> | For review and comment |
| <input type="checkbox"/> | FOR BIDS DUE: |

| | |
|--------------------------|---------------------------------|
| <input type="checkbox"/> | Approved as submitted |
| <input type="checkbox"/> | Approved as noted |
| <input type="checkbox"/> | Returned for corrections |

| | | |
|--|-----------------|--------------------------------|
| | Resubmit | copies for approval |
| | Submit | copies for distribution |
| | Returned | corrected prints |

☐ **PRINTS RETURNED AFTER LOAN TO US**

REMARKS:

Copy To:

Signed: Donna Lederer

R:\Projects\DPT\DPT127\Correspondence\OUT\210211- DJL DPT trans.docx

Colliers Engineering & Design, Inc. DBA Maser Consulting



Bond No. CA-3630804 M

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____

Top Line Construction Corp

as Principal,

and the **GREAT AMERICAN INSURANCE COMPANY**, a corporation organized under the laws of the State of Ohio and duly authorized to transact business in the State of New Jersey

as Surety, are held and firmly bound unto _____

Township of Delaware

as Oblige, in the sum of

Twenty one thousand eight hundred twenty three and 18/100----- DOLLARS,

for the payment whereof well and truly to be made, and Principal and the said Surety, bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, sealed and dated this 4th day of February, 2021.

WHEREAS the Principal and the Oblige have entered into a written agreement dated the 29th day of October, 2020, for Lower Ferry Road Improvement Project

the terms of which agreement were completed and accepted the 22nd day of December, 2020; and

WHEREAS the Principal has given a Two year maintenance guarantee under said agreement or otherwise against defective materials and workmanship.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall well and truly comply with such guarantee, then this obligation to be void; otherwise it shall remain in full force.

PROVIDED that no right of action shall accrue on this bond to or for the use of any person or corporation other than the Oblige named herein; and

PROVIDED FURTHER that the Surety shall have no liability under this bond unless the Oblige shall give written notice of claim of the Principal's failure to comply with such guaranteed to the Surety at its Administrative Office at 301 E. Fourth Street, Cincinnati, Ohio 45202 such notice to be given within the Two year maintenance period.

Top Line Construction Corp

By: _____

Principal

Steve Castela, President

GREAT AMERICAN INSURANCE COMPANY

By: _____

Attorney-in-Fact

DONALD GOETZ, Attorney-in-Fact

**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

(Instructions on reverse side)

Bond # CA-3630804

| | |
|------------|-------------------------------------|
| OWNER | <input type="checkbox"/> |
| ARCHITECT | <input type="checkbox"/> |
| CONTRACTOR | <input checked="" type="checkbox"/> |
| SURETY | <input type="checkbox"/> |
| OTHER | <input type="checkbox"/> |

TO OWNER:

(Name and address)

Township of Delaware
570 Rosemont-Ringoes Road
Sergeantsville, NJ 08857

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:

PROJECT:

(Name and address)

CONTRACT DATED:

10/29/2020

Lower Ferry Road Improvement Project

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Great American Insurance Company
301 E 4th Street
Cincinnati, OH 45202

, SURETY,

on bond of

(Insert name and address of Contractor)

Top Line Construction Corp.
22 Fifth Street
Somerville, NJ 08876

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to
(Insert name and address of Owner)

TO
Township of Delaware
570 Rosemont-Ringoes Road
Sergeantsville, NJ 08857
as set forth in said Surety's bond.

, OWNER,

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: 2/4/2021
(Insert in writing the month followed by the numeric date and year.)

Great American Insurance Company

(Surety)

By: 

(Signature of authorized representative)

Donald Goetz, Attorney-in-Fact

(Printed name and title)

Attest:
(Seal): 



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G707—1994

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than FIVE

No. 0 20526

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

| Name | Address | Limit of Power |
|----------------|---------------------|----------------|
| DONALD GOETZ | ALL OF | ALL |
| ROBERT CULNEN | MENDHAM, NEW JERSEY | \$100,000,000 |
| MARK CULNEN | | |
| LISA NOSAL | | |
| LOUIS VLAHAKES | | |

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 20TH day of AUGUST 2020

Attest

GREAT AMERICAN INSURANCE COMPANY



Atty L C. B.

Assistant Secretary

Mark V. Vicario

Divisional Senior Vice President

MARK VICARIO (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 20TH day of AUGUST, 2020, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this

4th

day of

FEBRUARY

2021

Atty L C. B.

Assistant Secretary



GREAT AMERICAN
INSURANCE GROUP

301 East 4th Street
Cincinnati, OH 45202

GAIG.com

GREAT AMERICAN INSURANCE COMPANY

**STATEMENT OF ASSETS, LIABILITIES AND CAPITAL & SURPLUS
AS OF DECEMBER 31, 2019**

ADMITTED ASSETS

| | |
|--|-------------------------|
| Bonds..... | \$ 4,151,708,417 |
| Stocks..... | 1,373,914,922 |
| Mortgage loans on real estate..... | 370,715,151 |
| Real estate (net of encumbrances)..... | 57,455,615 |
| Cash and short-term investments..... | 752,974,261 |
| Other invested assets..... | 766,672,430 |
| Receivable for securities..... | 3,036,261 |
| Investment income due and accrued..... | 38,476,462 |
| Agents' and premium balances..... | 664,425,875 |
| Reinsurance recoverable on loss and loss expense payments..... | 53,513,207 |
| Federal and foreign income taxes..... | 9,584,901 |
| Net deferred tax asset..... | 138,212,352 |
| Receivable from affiliates..... | 11,964,847 |
| Receivable from Federal Crop Insurance Corporation..... | 325,600,767 |
| Company owned life insurance..... | 185,334,724 |
| Funds held as collateral..... | 6,644,421 |
| Funded deductibles..... | 27,370,186 |
| Other admitted assets..... | 37,855,206 |
| Total..... | \$ 8,975,460,005 |

LIABILITIES, CAPITAL AND SURPLUS

| | |
|--|-------------------------|
| Unpaid losses and loss expenses..... | \$ 4,097,867,979 |
| Reserve for underwriting expenses..... | 299,977,750 |
| Reserve for unearned premiums..... | 1,469,883,822 |
| Ceded reinsurance premiums payable..... | 144,300,777 |
| Funds held under reinsurance treaties..... | 555,341,414 |
| Retroactive reinsurance ceded..... | (131,593,738) |
| Other liabilities..... | 205,005,266 |
| Total liabilities..... | 6,640,783,270 |
| Capital stock..... | \$ 15,440,600 |
| Paid in surplus..... | 871,833,489 |
| Special surplus funds..... | 90,949,254 |
| Unassigned funds..... | 1,356,453,392 |
| Policyholders' surplus..... | 2,334,676,735 |
| Total..... | \$ 8,975,460,005 |

Securities have been valued on the basis prescribed by the National Association of Insurance Commissioners.

STATE OF OHIO


SS.:



COUNTY OF HAMILTON

Robert J. Schwartz, Vice President and Controller, and Stephen Beraha, Assistant Vice President and Assistant Secretary, being duly sworn, each for himself deposes and says that they are the above described officers of the Great American Insurance Company of Cincinnati, Ohio; that said Company is a corporation duly organized, existing and engaged in business as a Surety by virtue of the laws of the State of Ohio and has duly complied with all the requirements of the laws of said state applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under Public Law 97-258 enacted September 13, 1982 (96 Stat. 1047 as amended: 31 U.S.C. 9304-9308); that to the best of their knowledge and belief the above statement is a full, true and correct Statement of the Assets, Liabilities and Capital & Surplus of the said Company as of December 31, 2019.

Subscribed and sworn to before me

this 2nd day of March, 2020.


Public Notary

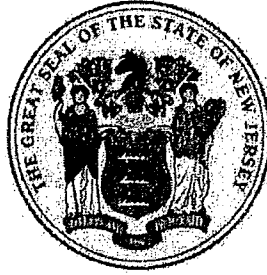

Controller

Assistant Secretary

SHARON R. HULEN

Notary Public, State of Ohio

Annulity Group and My Commission Expires 12-22-2021

GAIG.com



State of New Jersey
DEPARTMENT OF BANKING AND INSURANCE

CERTIFICATE OF AUTHORITY

Date: May 01, 2020

NAIC COMPANY CODE: 16691

THIS IS TO CERTIFY THAT THE **GREAT AMERICAN INSURANCE COMPANY OF CINCINNATI, OHIO**, HAVING COMPLIED WITH THE LAWS OF THE STATE OF NEW JERSEY, AND ANY SUPPLEMENTS OR AMENDMENTS THERETO WITH RESPECT TO THE TRANSACTION OF THE BUSINESS OF INSURANCE, IS LICENSED TO TRANSACT IN THIS STATE UNTIL THE 1st DAY OF **May, 2021**, THE LINES OF INSURANCE SPECIFICALLY DESIGNATED BELOW:

- 01 - Fire and Allied Lines
- 02 - Earthquake
- 03 - Growing Crops
- 04 - Ocean Marine
- 05 - Inland Marine
- 06 - Workers Compensation and Employers Liability
- 07 - Automobile Liability Bodily Injury
- 08 - Automobile Liability Property Damage
- 09 - Automobile Physical Damage
- 10 - Aircraft Physical Damage
- 11 - Other Liability
- 12 - Boiler and Machinery
- 13 - Fidelity and Surety
- 14 - Credit
- 15 - Burglary and Theft
- 16 - Glass
- 17 - Sprinkler Leakage and Water Damage
- 18 - Livestock
- 20 - Physical Loss to Buildings
- 21 - Radioactive Contamination
- 22 - Mechanical Breakdown/Power Failure
- 23 - Other (P/C)
- 26 - Accident and Health



MARLENE CARIDE
COMMISSIONER OF
BANKING AND INSURANCE

SURETY DISCLOSURE STATEMENT AND CERTIFICATION

pursuant to N.J.S.A. 2A:44-143

(for use when surety(ies) have a certificate from U.S. Secretary of the Treasury in accordance with 31 U.S.C. 9305)

(name of surety(ies)) GREAT AMERICAN INSURANCE COMPANY

surety(ies) on the attached bond, hereby certifies(y) the following:

(1) The surety(ies) meets (meet) the applicable capital and surplus requirements of R.S. 17:17-6 or R.S. 17:17-7 as of the surety's most current annual filing with the New Jersey Department of Insurance

(2) The capital and surplus, as determined in accordance with the applicable laws of this State, of the surety(ies) participating in the issuance of the attached bond is (are) in the following amounts as of the calendar year ended December 31, 2019, (most recent calendar year which capital and surplus amounts are available), which amounts have been certified on a Consolidated Certification by Ernst & Young LLP, 250 E. 5th Street, Cincinnati, Ohio 45202 and are included in the Annual Statement on file with the New Jersey Department of Insurance, 20 West State Street CN-325, Trenton, New Jersey 08625-0325.

SURETY COMPANIES(Y)

CAPITAL AND SURPLUS

Great American Insurance Company

\$2,334,676,735

(3) With respect to each surety participating in the issuance of the attached bond that has received from the United States Secretary of the Treasury a certificate of authority pursuant to 31 U.S.C. 9305, the underwriting limitation established therein on July 1, 2020 (most recent calendar year available) is as follows:

SURETY COMPANIES(Y)

LIMITATION

Great American Insurance Company

\$228,947,000

(4) The amount of the bond to which the statement and certification is attached is \$ 21,823.18
(fill in bond amount)

(5) If, by virtue of one or more contracts of reinsurance, the amount of the bond indicated under item (4) above exceeds the total underwriting limitation of all sureties on the bond as set forth in item (3) above, then for each such contract of reinsurance:

(a) The name and address of each such reinsurer under that contract and the amount of the reinsurer's participation in the contract is as follows:

REINSURER

ADDRESS

AMOUNT

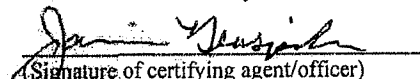
and;

(b) Each surety that is party to any such contract of reinsurance certifies that each reinsurer listed under item (5)(a) satisfies the credit for reinsurance requirement established under P.L. 1993, c.243(C.17:51B-1 et seq.) and any applicable regulations in effect as of the date on which the bond to which this statement and certification is attached shall have been filed with the appropriate public agency.

CERTIFICATE

(to be completed by an authorized certifying agent for each surety on the bond)

I, Jamie Neuspickle, as Divisional Vice President - Bond Division for Great American Insurance Company, a corporation domiciled in Ohio, DO HEREBY CERTIFY that, to the best of my knowledge, the foregoing statements made by me are true, and ACKNOWLEDGE that, if any of those statements made by me are false, this bond is VOIDABLE.


(Signature of certifying agent/officer)

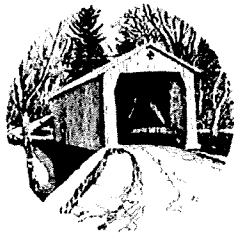
Jamie Neuspickle

(Printed name of certifying agent/officer)

Divisional Asst. Vice President

(Title of certifying agent/officer)

Dated: February 4, 2021
(fill in month, day, year)



**Delaware Township Resolution #2021-27
2021 Township Employees' Salaries and Wages**

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to set 2020 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that 2020 annual salaries for all non-contracted employees retroactive to January 1, 2020 are established as follows:

ADMINISTRATION

| | | |
|--------------------|----------------|------------|
| Mayor | James Waltman | \$4,037.16 |
| Township Committee | Joseph Vocke | \$4,037.16 |
| | Susan Lockwood | \$4,037.16 |
| | Charles Herman | \$4,037.16 |
| | Daniel Kwasnik | \$4,037.16 |

ASSESSOR'S OFFICE

| | | |
|----------|-------------------|-------------|
| Assessor | Michelle Trivigno | \$37,704.30 |
|----------|-------------------|-------------|

BUILDING DEPARTMENT

| | | |
|--|---------------------|----------------|
| Construction Code Official, Fire Protection Subcode Official, Fire Protection Subcode Inspector, Building Subcode Official, Building Subcode Inspector, Substitute Electrical Subcode Official, Substitute Electrical Subcode Inspector, Substitute Plumbing Inspector, Substitute Mechanical Inspector, ADA Coordinator | Acting Tom Petto | \$40.00/hourly |
| Electrical Subcode Official and Electrical Subcode Inspector | Peter Buchanan | \$22,081.98 |
| Plumbing Subcode Official, Plumbing Subcode Inspector, Mechanical Subcode Inspector | Acting – Chris Rose | \$40.00/hourly |
| Alternate Substitute Electrical or Plumbing Inspector | | \$40.00/hourly |
| Zoning Officer/Flood Plain Admin | Michael Mullin | \$8,085.54 |

| | | |
|--|-------------------------------------|----------------------------------|
| Technical Assistant/Secretary to CCO (not to exceed 20 hrs./week) | Tammy Oberly | \$21.76/Hr. |
| Stockton Inspections | Phil Izzo, Peter Buchanan | \$28.00 per inspection |
| CLERK'S OFFICE | | |
| Township Clerk | Maria Andrews | \$18,360.00 |
| Deputy Clerk | Tiffany Crivelli | \$40,800.00 |
| Deputy Registrar | Deanna Higgins * | \$2,692.68 |
| COAH Municipal Housing Liaison | Kathleen Klink | \$2,970.24 |
| COAH Municipal Administrative Agent | Kathleen Klink | \$4,991.880 |
| Administrative Assistant | Kathleen Klink | \$2,217.48 |
| FINANCE ADMINISTRATION | | |
| Tax Collector | Danene Gooding* | \$44,813.00 |
| CMFO/Treasurer | Diane S. McDaniel* | \$91,535.58 |
| Deputy Treasurer | Danene Gooding* | \$12,559.33 |
| Qualified Purchasing Agent | Diane McDaniel* | \$5,125.00 |
| HEALTH DEPARTMENT | | |
| Perc Test Witness | Robert Kleckner | \$200.00 per test |
| Perc Test Alternate Witness | Peter Enea | \$175.00 per test |
| ANIMAL CONTROL DEPARTMENT | | |
| Animal Control Licensing Agent | Deanna Higgins * | \$6,089.53 |
| POLICE | | |
| Chief of Police (Per Contract) | Phillip C. Cane* | \$117,083.70 |
| Class II Special Police Officer | Harry Harbourt Timothy Vanselous | \$26.10 hourly \$25.50 hourly |
| Court Security | All Officers | \$175.00 per court session |

| | | |
|--|-------------------|-------------------|
| Police Department Administrative Assistant | Deanna Higgins* | \$26,101.63 |
| Police Department Matron | Deanna Higgins * | \$68.46 hourly** |
| **Minimum 3-hour callout and \$14.00 per hour after three hours if not already covered by salary | | |
| Crossing Guard | Heather Schlesier | \$18.38 per shift |
| OFFICE OF EMERGENCY MANAGEMENT | | |
| OEM Coordinator | Phillip C. Cane* | \$4,095.90 |
| Deputy OEM Coordinator | William Powell | \$9,555.36 |
| Emergency Mgmt Coordinator's Sec | Deanna Higgins * | \$2,159.68 |
| ROAD DEPARTMENT | | |
| Road Supervisor/Director of Public Works Jay Trstensky* | | \$89,896.60 |
| Road Department Administrative Asst. | Deanna Higgins* | \$26,101.63 |
| DPW – Mower/Road Dept Help | Thomas Higgins | \$18.37 hourly |
| | Dale Haberle | \$15.60 hourly |
| DPW – Snow Plow Help | Dave Swackhamer | \$21.39 hourly |
| | Dale Haberle | \$22.89 hourly |
| BUILDINGS AND GROUNDS | | |
| Dilts Farm Park Custodial Services | Doris Culberson | \$8,823.00 |
| Police/Road Depts./Township Bldg. Cleaning Services | Rose Dipple | \$21.83 hourly |
| TOWNSHIP BOARDS | | |
| Planning Board Clerk | Kathleen Klink | \$11,040.48 |
| Board of Adjustment Clerk | Kathleen Klink | \$13,902.60 |
| Environmental Commission Secretary | Kathleen Klink | \$1,6565.48 |
| Open Space Coordinator | Vacant | |
| Certified Recycling Coordinator and Clean Communities Coordinator | Kathleen Klink | \$ 2,928.42 |

MUNICIPAL COURT- Separate Resolution

Mileage Reimbursement
2021 IRS rate

56 cents/mile

*Medicare Part B compensation .5%

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: March 8, 2021

Roger & Holly Locandro

Mayor Waltman & Members of the Township Committee
Delaware Township Street Naming Committee
PO Box 500
Sergeantsville NJ 08557

February 18, 2021

Dear Mayor & Committee Members,

We have been requested to ask the 'Delaware Township Street Naming Committee' for guidance or acceptance regarding the street name of our new development off of Sandbrook Headquarters Rd. As we have stewarded this project through the application process the road name has been referred to as the 'Old Tree Farm Lane.' The project has been labeled 'The Old Tree Farm.' The road name 'Tree Farm Lane' or 'Old Tree Farm Lane' are fine with us.

From correspondence with Deputy Clerk Crivello, we have become aware that the request is being forwarded to Mayor Waltman and the Township Committee. We are requesting that, in the interest of efficiency, if there is no active "Street Naming Committee," rather than create a committee for a singular event that you the members of The Township Committee approve this request. I also offer I long for a time when the addresses here were as simple as, RD#3 Stockton, NJ. Building on this thought, perhaps "Tree Farm Lane" is simple and clear enough. I Googled the names to check availability and the closest Tree Farm Lane is in Mahwah, NJ with the closest Old Tree Farm Lane is in Trumbel, Ct.

Under N.J.S.A 40A:63-1 et seq. you as the Township Committee give the power to the commissions and committees formed, in the absences of a committee the decision comes back to you. Closer examination of N.J.S.A. 40A:63-6 & 7 will define that committees only have advisory capacities.

Thank you for your Consideration.

Roger & Holly Locandro
908-217-9332

186 Sandy Ridge Mt. Airy Road
Stockton, NJ 08559

**TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

DEER MANAGEMENT SERVICES AGREEMENT

This **DEER MANAGEMENT SERVICES AGREEMENT** ("**Agreement**"), entered into this 8 day of March, 2021, by and between **THE TOWNSHIP OF DELAWARE IN HUNTERDON COUNTY**, a municipal corporation of the State of New Jersey, having offices at 570 Rosemont Ringoes Road, Sergeantsville, New Jersey 08557 ("**Township**") and **EDWARD J. FLEMING** having an address of 587 Sergeantsville Road, Flemington, New Jersey 08822 (Mailing address P.O. Box 117 Sergeantsville, New Jersey 08557 and **DEER-TRAC SPORTSMEN'S CLUB** ("**Provider**").

FACTUAL RECITALS

- A. On March 31, 2004, the Township acquired property known as Lot 8, Block 42, Sandy Ridge Road, Township of Delaware in Hunterdon County, New Jersey, ("**Property**") from the Estate of Stewart B. Kean ("**Estate**");
- B. Due to the limited time period the Township has owned the Property, the Township has not yet developed any plans for the Property's use; however, the Township does not, in any way, wish to allow the increase of white-tailed deer on the Property, the population of which, if unchecked, could severely damage the Property;
- C. Provider, being fully familiar with the Property and having previously performed deer management services at the Property, is qualified to continue providing the same between March 2021 through March 2025 season.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and promises contained herein, Township and Provider agree as follows:

- 1. **Services of Provider.** Provider agrees to perform services for the Township on the Property as set forth in Schedule "A," attached hereto and made part hereof. Provider and Provider's agents and employees shall be solely responsible for knowing at all times where they are and for remaining within the boundaries of the Property.

Provider is a member in good standing of the New Jersey State Federation of Sportsmen's Club, and all agents and employees of Provider who perform deer management services on the property shall likewise be members in good standing of the New Jersey State Federation of Sportsmen's Club. Provider covenants and represents that all deer management services shall be performed in full compliance with any and all applicable Federal, State and/or local laws, statutes, rules, regulations and ordinances, including, without limitation, any and all requirements of the New Jersey Division of Fish and Wildlife.

2. **Compensation.** The Township shall not provide any compensation to Provider for its services, it being understood that Provider may keep for Provider's own use any deer culled from the Property.
3. **Termination.** Township and Provider shall have the right, without prejudice to any other right or remedy they may have, to terminate this Agreement at any time.
4. **Independent Contractor Status.** Provider shall perform all services under this Agreement as an independent contractor of the Township, and the Township agrees that Provider, as an independent contractor, is entitled to exercise such discretion and judgment in the provision of its services to fulfill and comply with the requirements set forth in this Agreement. The parties agree the Township will not provide the Provider, its principals, agents or employees any benefits, coverages, or privileges, including, without limitation, Social Security, profit-sharing, unemployment, workers compensation, disability, medical insurance, life insurance or pension benefits that the Township might provide to employees of the Township. Unless otherwise required by law, Township does not intend, and shall have no obligation to Provider, to withhold any sums due the Provider for, and the Provider retains all obligations and liabilities relating to the payment of Provider's Federal, State and local income and employment taxes, and Provider shall hold the Township harmless from any failure on Provider's part to meet its obligations pursuant to this Section 4 of the Agreement. The Provider is not authorized to assume or create any obligation or responsibility, express or implied, on behalf of, or in the name of, the Township or to bind the Township in any manner.
5. **Insurance.** Provider shall procure and maintain for the duration of this Agreement, at its sole expense, insurance against claims for injuries to persons or damages to Property that may arise from, or in connection with, the services undertaken by Provider pursuant to this Agreement.

The coverage set forth below shall be provided for each of Provider's agents selected to perform the designated services.

Coverage shall be in the following form and amounts:

- A. General Liability: Coverage with combined single limits per occurrence for bodily injury, personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) annual aggregate.
- B. Such insurance shall require that the Township be notified at least thirty (30) days in advance of the cancellation thereof. The Provider shall furnish the Township with a certificate or certificates of insurance evidencing the coverage

required hereunder prior to commencing any services to this Agreement and from time to time as may be reasonably requested by the Township.

- C. Such insurance shall name Delaware Township as an additional insured and proof of coverage in a certificate of insurance shall be provided by the PROVIDER.
- D. Such insurance shall name the New Jersey Department of Environmental Protection as an additional insured pursuant to N.J.A.C. 7:36-25.13(b)9 and proof of coverage in a separate certificate of insurance shall be provided by the PROVIDER.

6. Indemnification.

- A. The Provider agrees to indemnify, defend and save the Township and its officers, employees and agents forever harmless from and against, and to promptly make payment for any and all losses, damages, expenses (including, without limitation, court costs, amounts paid in settlement, judgments, reasonable attorneys fees or other expenses for investigating and defending, including, without limitation, those arising out of the enforcement of this Agreement), suits, actions, claims deficiencies, liabilities or obligations sustained or incurred by the Township as a result of the Provider's performance of the services to this Agreement described herein, except for those sustained or incurred based on allegations that the services to this Agreement provided herein are unauthorized or illegal.
- B. The Township agrees to indemnify, defend and save the Provider and its directors, officers, employees, owners, agents and affiliates and their successors and assigns or heirs and personal representatives forever harmless from and against, and to promptly make payment for any and all losses, damages, expenses (including, without limitation, court costs, amounts paid in settlement, judgments, reasonable attorneys fees or other expenses for investigating and defending, including, without limitation, those arising out of the enforcement of this Agreement), suits, actions, claims, deficiencies, liabilities or obligations sustained or incurred by Provider relating to, caused by or resulting from:
 - i. Allegations that the services to this Agreement provided herein are unauthorized or illegal;
 - ii. Any breach by the Township of the terms of this Agreement, including, but not limited to, any failure to pay any fees or expenses owed; and/or
 - iii. The preparation and provision of documents and/or testimony pursuant to one or more subpoenas issued in connection with any

claim, suit or proceeding against the Township or against its agents or affiliates or their successors or assigns.

Any amounts due and owing from the Township for any losses pursuant to this indemnification provision shall be offset on a dollar for dollar basis by any amount recovered in respect of such losses pursuant to the Policy called for in Section 5 of this Agreement. The obligations of each party under the foregoing indemnification provisions shall survive the termination of the Agreement.

7. **Notices.** All notices required or permitted under this Agreement shall be in writing and shall be deemed effective upon personal delivery or upon deposit in the United States Post Office, by registered or certified mail, postage prepaid and addressed as follows:

If to Township: Delaware Township Clerk
P.O. Box 500
Sergeantsville, New Jersey 08557

With a copy to: Delaware Township Attorney
Sharon Dragan, Esq.
Mason, Griffin & Pierson, P.C.
101 Poor Farm Road
Princeton, New Jersey 08540

If to Provider: Edward J. Fleming
P.O. Box 117
Sergeantsville, New Jersey 08557

8. **Pronouns.** Whenever the context may require, any pronouns used in this Agreement shall include the corresponding masculine, feminine or neuter forms, and the singular forms of nouns and pronouns shall include the plural and vice versa.
9. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral relating to the subject matter of this Agreement. No representation, promise, inducement or statement of intention not set forth in this Agreement has been made by or on behalf of either party hereto.
10. **Amendment.** This Agreement may be amended or modified only by a written instrument executed by both the Township and Provider.
11. **Governing Law.** This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of New Jersey.

12. **Equal Employment and Affirmative Action.** Provider agrees to comply with the Affirmative Action Addendum that is attached hereto as Schedule "B."

13. **Green Acres.** Township and Provider acknowledge that the Property and its use are subject to provisions of *N.J.A.C. 7:36-25.13* regarding New Jersey Department of Environmental Protection Green Acres requirements. This Agreement has been approved by Green Acres.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year set forth above.

ATTEST:

TOWNSHIP OF DELAWARE, COUNTY
OF HUNTERDON, STATE OF NEW JERSEY

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Witness:

Tiffany Crivelli, Notary Public of NJ

Edward J. Fleming, Provider

SCHEDULE "A"

1. Prior to any hunting activity taking place as set forth below, Provider or Provider's agents shall post Township-approved warning signs at the entrances to, and along the boundaries of the Property, that notify the public that hunting is taking place on the Property.
2. Provider shall remove white-tailed deer from the Property in accordance with the schedule and rules promulgated by the New Jersey Division of Fish and Wildlife for deer management Zone 8 and pertaining to permit bow, permit muzzle loader, firearm and shotgun.
3. Only white-tailed deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife shall be strictly prohibited.
4. Deer drives of any sort whatsoever shall be strictly prohibited.
5. No hunting may take place within 450 feet of a habitable building or structure without the prior written consent of the owner, and it shall be the sole responsibility of the Provider or Provider's agents to obtain such consent.
6. No hunting may take place earlier than one-half hour before sunrise or later than one-half hour after sunset.
7. Provider shall encourage its agents to maintain as great a distance as possible between themselves and any trail or road, but in no event shall hunting take place closer than 20 yards from any trail or road.
8. All deer killed shall be removed from the designated properties in their entirety; no deer parts or remains shall be left on the Property.

9. All deer must be checked in at such check station as the New Jersey Division of Fish and Wildlife designates for deer removed pursuant to this Agreement.
10. Vehicles shall be restricted to public roads and designated parking areas.
11. No target practice shall be permitted anywhere on the Property.
12. The use or possession of drugs or alcohol by any agent while engaged in the performance of the designated services is prohibited and, in addition to the application of any other penalties, shall result in the immediate termination of this Agreement.

13. The agent(s) shall at all times be subject to the oversight and control of the Chief of Police of the Township of Delaware, or his designee, who shall be authorized to order the cessation of all hunting activities at any time if the safety of any persons or the safety of personal property, including that of the Township of Delaware, is threatened as a result of said activity. Violations by the agent of any applicable State or local rules and regulations pertaining to hunting or the use of parkland shall be grounds for terminating the service agreement with the agent and shall be grounds for prohibiting the agent from conducting any further hunting activities on the Property. Where any such violation has occurred or where persons or personal property are endangered as set forth above, the Chief of Police or his designee is authorized to require that the agent(s) leave the Property immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.

14. All State and local regulations pertaining to parks and to hunting shall remain in full force and effect and nothing herein shall be construed to abrogate same. Any violation of this Agreement, of the terms and conditions set forth herein, or of any applicable State or local regulation, will result in the immediate termination of this Agreement and will subject the agent to any applicable penalties

Agreed to by the Township:

ATTEST:

TOWNSHIP OF DELAWARE, COUNTY
OF HUNTERDON, STATE OF NEW JERSEY

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Agreed to by the Provider:

Witness:

Tiffany Crivelli, Notary Public of NJ

Edward J. Fleming, Provider

Date: _____

SCHEDULE "B"

PROCUREMENT AND SERVICE CONTRACTS

All bidders and all contractors, as a precondition to entering into a valid and binding procurement for service contract with the Municipality, are required to submit to the Municipality, prior to or at the time of the formal Agreement (hereinafter referred to as the "contract") is submitted for signing by the Municipality (in accordance with N.J.A.C. 17:27-4.3 promulgated by the Treasurer pursuant to P.L. 1975, c. 127), one of the following three documents:

1. Appropriate evidence that the contractor is operating under an existing federally approved or sanctioned affirmative action program; or
2. A certificate of employee information report issued in accordance with N.J.A.C. 17:27-4; or
3. An Affirmative Action Employee Information Report consisting of forms provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4.

During the performance of this contract, the contractor agrees as follows:

- A. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Municipality compliance officer setting forth provisions of this nondiscrimination clause.
- B. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation

- C. The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time-to-time, and the Americans With Disabilities Act.
- E. The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by section N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time-to-time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time-to-time.
- F. The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- G. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.
- H. The contractor or subcontractor agrees to review all procedures relating to transfer upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation, and confirm with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal Court decisions.

- I. The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time-to-time in order to carry out the purposes of these regulations, and the Municipality shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/12/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|---|--|--------------------------------------|--------------|
| PRODUCER AssuredPartners of SC, LLC - Columbia PO Box 21627 Columbia, SC 29221-1627 | CONTACT NAME: Hunt Club Unit | FAX (A/C, No): (317) 576-9521 | |
| | PHONE (A/C, No, Ext): (866) 782-6330 | E-MAIL ADDRESS: | |
| INSURED American Hunting Lease Association 10412 Allisonville Road, Suite 110 Fishers, IN 46038 | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| | INSURER A: HDI Global Insurance Company | | 41343 |
| | INSURER B: | | |
| | INSURER C: | | |
| | INSURER D: | | |
| | INSURER E: | | |
| INSURER F: | | | |

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|---|--|-----------|----------|----------------|-------------------------|-------------------------|---|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER: | | | GG19H000028-04 | 08/01/2020 | 08/01/2021 | EACH OCCURRENCE \$ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 |
| | | | | | | | MED EXP (Any one person) \$ 5,000 |
| | | | | | | | PERSONAL & ADV INJURY \$ 1,000,000 |
| | | | | | | | GENERAL AGGREGATE \$ 2,000,000 |
| | | | | | | | PRODUCTS - COMPI/OP AGG \$ 0 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| <input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY | | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | | | | | | | BODILY INJURY (Per person) \$ |
| | | | | | | | BODILY INJURY (Per accident) \$ |
| | | | | | | | PROPERTY DAMAGE (Per accident) \$ |
| <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB | | | | | | | EACH OCCURRENCE \$ |
| | | | | | | | AGGREGATE \$ |
| <input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | | PER STATUTE \$ |
| | | | | | | | OTH-ER \$ |
| | | | | | | | E.L. EACH ACCIDENT \$ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT \$ |
| | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER IS A NAMED INSURED PER LEASE AGREEMENT WITH THE FOLLOWING:

ID37190 Effective: 08/01/2020: 30 Acres Jointly, 30 Acres Jointly/Hunterdon County, NJ - Deertrac: Edward Fleming

CERTIFICATE HOLDER

CANCELLATION

Township Of Delaware
P.o. Box 500
Sergeantville, NJ 08557

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Talking points for DT Committee meeting 2/17/21
Liza Davis, DT Historic Advisory Committee chairperson

Thank you for hearing us today! A list of duties was drafted some years ago but never formalized. We have reviewed it and would like to propose some updates. We want to clarify what the Township wants from us, and also have some ideas about what we can offer to the Township. The following questions have been posed in our first round of review of the draft duties. After this initial meeting, we would like to present a revised draft of duties at a future committee meeting.

1. Currently the historic society takes the lead with the Reading Schoolhouse and the Holcombe House. Funds are needed to transfer the Holcombe House easement to the Conservation Foundation or whatever agency will manage the easement. HS has said they will assume this obligation. What role does the township want the HAC to serve for these properties?
2. Is there any interest in us providing advice on historic house restoration? Is there a benefit to informing owners that their home is historic?
3. We would like the Township committee to consult with us early in the planning stages for public projects that are located within historic districts so that we can provide meaningful and timely advice. We want to clarify channels of communication toward this end. This can also apply to county projects.
4. Some members believe that there is already a requirement for the building inspector to notify HAC if a historic structure is to be demolished. Is this true? In any case, can we provide a list or map to the building inspector of buildings and districts that are listed on the National Register?

List of Bills - (All Funds)

Meeting Date: 03/08/2021 For bills from 02/08/2021 to 03/08/2021

| Vendor | Description | Payment | Check Total |
|---------------------------------------|---|--------------|--------------|
| CURRENT FUND | | | |
| 787 - ALLIED OIL COMPANY | PO 4690 Heating Oil | 2,365.36 | |
| | PO 4696 fuel | 459.64 | |
| | PO 4702 Heating Oil | 1,309.82 | |
| | PO 4719 Heating Oil | 236.47 | |
| | PO 4723 Heating Oil | 246.24 | 4,617.53 |
| 1679 - BCI Truck Inc. | PO 4757 Towel, Flee | 21.38 | 21.38 |
| 55 - CHAMPION TIRE WHOLESALERS | PO 4736 Tires | 340.74 | 340.74 |
| 1346 - CINTAS CORPORATION | PO 4734 First Aid | 147.74 | 147.74 |
| 1680 - Cintas Corporation #101 | PO 4737 Janitorial Supplies | 235.72 | 235.72 |
| 883 - COMCAST | PO 4689 PHONES - TOWN HALL | 1,038.47 | |
| | PO 4730 Cable, Internet, Voice | 509.13 | 1,547.60 |
| 64 - COUNTY OF HUNTERDON | PO 4701 2020 4th Quarter County FOOD INSPECTIONS | 700.00 | 700.00 |
| 74 - DELAWARE TWSP. BD OF EDUCATION | PO 4717 School payment | 1,458,318.00 | 1,458,318.00 |
| 1769 - Edward Fleming | PO 4745 Reimbursement Medicare Part B | 445.50 | 445.50 |
| 97 - FASTENAL | PO 4738 Wire Tube Brush | 40.25 | 40.25 |
| 322 - FLEMINGTON BUICK/CHEVY/GMC | PO 4756 Spark Plugs Tahoe | 67.52 | 67.52 |
| 114 - GALLS, LLC | PO 4732 Uniform Accessories | 212.65 | 212.65 |
| 1095 - GARDEN STATE HIGHWAY PRODUCTS | PO 4735 Ice Melt | 555.00 | 555.00 |
| 141 - HUNTERDON CENTRAL REG. SCHOOL | PO 4716 2021 Regional High School Taxes | 799,691.84 | 799,691.84 |
| 169 - JCP&L | PO 4691 electric - | 381.11 | 381.11 |
| 1661 - Joseph C. Tauriello, Esq. P.C. | PO 4727 March 2021 Legal | 2,916.66 | 2,916.66 |
| 174 - JUDY ALLEN | PO 4741 Reimbursement Medicare Part B | 445.50 | 445.50 |
| 1199 - KEVIN CASAVANT | PO 4746 Meal Allowance | 20.00 | 20.00 |
| 1157 - KEVIN LAVOIE | PO 4747 Meal Allowance | 20.00 | 20.00 |
| 191 - LIFE INS. CO. OF NO. AMERICA | PO 4713 LONG/SHORT DISABILITY | 508.00 | 508.00 |
| 464 - LIFESAVERS, INC. | PO 4733 AED Batteries | 402.00 | 402.00 |
| 192 - LINDA J. ZENGEL | PO 4743 Reimbursement Medicare Part B | 445.50 | 445.50 |
| 1786 - Linda Stark | PO 4700 Tax refund - 100% Disabled Vereran Reso | 780.11 | 780.11 |
| 453 - LINDA SWACKHAMER | PO 4742 Reimbursement Medicare Part B | 891.00 | 891.00 |
| 442 - LOOSELEAF LAW PUBLICATIONS | PO 4721 NJ Crim. Code/MV Vehicle Law | 36.85 | 36.85 |
| 959 - MASER CONSULTING P.A. | PO 4685 Municipal Engineering Review | 102.50 | 102.50 |
| 959 - MASER CONSULTING P.A. | PO 4697 SWM Ordinance | 930.00 | 930.00 |
| 1406 - MICHAEL GARES | PO 4748 Meal Allowance | 20.00 | 20.00 |
| 1342 - MICHAEL UBRY | PO 4749 Meal Allowance | 20.00 | 20.00 |
| 1466 - MORTON SALT | PO 4718 Salt | 7,713.57 | |
| | PO 4750 Salt | 4,145.18 | |
| | PO 4751 Salt | 4,281.98 | |
| | PO 4752 Salt | 8,912.26 | 25,052.99 |
| 1789 - N.J. Event Services | PO 4729 Toliect Cleaning service charge - Handica | 375.00 | 375.00 |
| 145 - NJ ADVANCE MEDIA | PO 4703 Legal Ads | 236.15 | |
| | PO 4724 legal ads | 146.02 | 382.17 |
| 1787 - North East Parts Group LLC | PO 4753 Misc. Parts | 302.86 | |
| | PO 4754 Misc. Parts | 1,734.51 | 2,037.37 |
| 1432 - PARKER MC CAY | PO 4705 ZB General Matters | 268.80 | 268.80 |
| 233 - POSTMASTER | PO 4758 NEWSLETTER POSTAGE (1,583 Pieces) | 531.12 | 531.12 |
| 1748 - Quadiant Finance USA, Inc. | PO 4694 postage | 266.32 | 266.32 |
| 1745 - Quadiant Leasing USA, Inc. | PO 4693 Quarterly Mail charge for postage Town H | 390.78 | |
| | PO 4695 Nov. 2020 - February 2021 POSTAGE METER | 194.70 | 585.48 |
| 1327 - READY REFRESH | PO 4731 Water | 279.48 | 279.48 |
| 571 - RICOH USA, INC. | PO 4688 Monthly Copier Fee | 230.32 | |
| | PO 4725 Monthly Copier Fee - March | 299.85 | 530.17 |
| 1189 - RR DONNELLEY | PO 4711 REGISTRAR CERTIFIED COPY RECORD | 31.50 | 31.50 |
| 1148 - STANLEY J. TROY, ESQ. | PO 4715 Public Defender 1st Quarter 2021 (\$1,873 | 468.25 | 468.25 |
| 270 - STAPLES CREDIT PLAN | PO 4687 office supplies | 234.58 | 234.58 |
| 1654 - State Toxicology Laboratory | PO 4722 Random Drug Test | 45.00 | 45.00 |
| 1288 - SYNCB/AMAZON | PO 4739 Brushes | 38.52 | 38.52 |
| 1099 - TCTA OF NEW JERSEY | PO 4692 Membership dues for Danene Gooding | 100.00 | 100.00 |
| 1656 - Teamsters Local 469 Benefits | PO 4714 Dental for Road Department (70% EE share | 315.00 | 315.00 |
| 287 - TOM LA ROWE | PO 4744 Reimbursement Medicare Part B | 445.50 | 445.50 |

List of Bills - (All Funds)

Meeting Date: 03/08/2021 For bills from 02/08/2021 to 03/08/2021

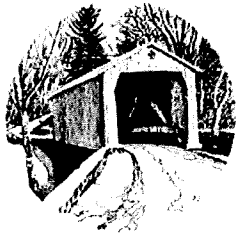
| Vendor | Description | Payment | Check Total |
|--|--|----------|--------------|
| 101 - TREASURER, STATE OF NEW JERSEY | PO 4680 DCA Fees collected on behalf of Delaware | 2,824.00 | 2,824.00 |
| 101 - TREASURER, STATE OF NEW JERSEY | PO 4681 DCA Fees collected on behalf of Stockton | 33.00 | 33.00 |
| 290 - TREASURER, STATE OF NJ | PO 4755 Welding Permit | 54.00 | 54.00 |
| 1215 - VIKING PEST CONTROL | PO 4720 Pest Control | 92.43 | 92.43 |
| Grants | | | |
| 1519 - All Sports Stadium LLC | PO 4682 March on Litter Order | 1,276.00 | 1,276.00 |
| 1542 - Colgate Paper Stock Co., Inc. | PO 4712 Recycle charge | 237.96 | 237.96 |
| 585 - SWEET VALLEY FARMS | PO 4679 Shed | 6,900.00 | 6,900.00 |
| Capital | | | |
| 571 - RICOH USA, INC. | PO 4610 Cost to relocate Copier | 202.00 | 202.00 |
| Developer Escrow | | | |
| 1621 - Kyle McManus Associates LLC | PO 4704 Walter Ross Review - Bd of Adjustment | 880.40 | 880.40 |
| 959 - MASER CONSULTING P.A. | PO 4698 Scamuffa SWM Escrow | 317.90 | 317.90 |
| 959 - MASER CONSULTING P.A. | PO 4699 Locandro Blk 41 Lot 1.10 Escrow | 232.50 | 232.50 |
| 1432 - PARKER MC CAY | PO 4706 Switzler Escrow - application review | 255.00 | 255.00 |
| 1432 - PARKER MC CAY | PO 4708 Locandro Escrow | 2,988.00 | 2,988.00 |
| 1525 - Van Cleef Engineering Associates, L | PO 4665 Peterson escrow | 731.50 | 731.50 |
| Animal Control | | | |
| 1493 - NJ STATE DEPT OF HEALTH & SENIOR SE | PO 4686 January 2021 Animal Licenses due to Stat | 471.00 | |
| | PO 4740 Feb 2021 Animal Licenses due to State | 477.00 | 948.00 |
| Affordable Housing | | | |
| 1432 - PARKER MC CAY | PO 4707 Escrow - Skeuse | 51.00 | 51.00 |
| TOTAL | | | 2,324,871.64 |

Summary By Account

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|-------------------------------------|------------|--------------|---------------|--------------|
| 01-101-01-000-000 | Current Fund Cash | | | 0.00 | 2,309,851.38 |
| 01-108-04-000-008 | 2020 Tax Rec | | | 780.11 | |
| 01-201-20-101-200 | ADMINISTRATIVE & EXECUTIVE OE | 534.31 | | | |
| 01-201-20-104-200 | TAX COLLECTOR O/E | 100.00 | | | |
| 01-201-20-105-200 | LEGAL SERVICES OE | 2,916.66 | | | |
| 01-201-20-108-200 | ENGINEERING SERVICES OE | 1,032.50 | | | |
| 01-201-20-130-200 | PUR OF OFFICE EQUIP/MAINT OE | 625.36 | | | |
| 01-201-20-135-200 | DATA PROCESSING SERVICE OE | 530.17 | | | |
| 01-201-20-139-200 | CENTRAL POSTAGE/LEGAL ADV OE | 955.27 | | | |
| 01-201-21-113-200 | BOARD OF ADJUSTMENT OE | 268.80 | | | |
| 01-201-23-115-200 | INSURANCE OE | 3,496.00 | | | |
| 01-201-25-117-200 | POLICE OE | 1,364.32 | | | |
| 01-201-26-109-200 | DILTS FARM O/E | 375.00 | | | |
| 01-201-26-110-200 | BUILDINGS & GROUNDS OE | 661.63 | | | |
| 01-201-26-123-200 | ROADS OE | 27,863.39 | | | |
| 01-201-27-124-200 | BOARD OF HEALTH OE | 14.34 | | | |
| 01-201-31-129-201 | TELEPHONE | 1,044.79 | | | |
| 01-201-31-129-213 | HEATING OIL | 482.71 | | | |
| 01-201-31-129-218 | ELECTRIC | 381.11 | | | |
| 01-201-31-129-261 | MOTOR FUEL/POLICE & ROADS | 1,293.51 | | | |
| 01-201-31-129-263 | DIESEL | 2,381.67 | | | |
| 01-201-43-119-200 | PUBLIC DEFENDER O/E | 468.25 | | | |
| 01-203-20-139-200 | (2020) CENTRAL POSTAGE/LEGAL ADV OE | | 210.00 | | |
| 01-203-25-117-200 | (2020) POLICE OE | | 45.00 | | |
| 01-203-31-129-261 | (2020) MOTOR FUEL/POLICE & ROADS | | 459.64 | | |
| 01-206-00-000-000 | Regional HS Tax Payable | | | 799,691.84 | |
| 01-207-00-000-000 | Local Tax Payable | | | 1,458,318.00 | |

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|---------------------------------------|------------|--------------|---------------|--------------|
| 01-271-00-000-003 | Due NJ-State Training Fees | | | 2,857.00 | |
| 01-272-00-000-001 | Due County-Food Inspections | | | 700.00 | |
| TOTALS FOR | CURRENT FUND | 46,789.79 | 714.64 | 2,262,346.95 | 2,309,851.38 |
| 02-101-01-000-000 | CASH - GRANTS | | | 0.00 | 8,413.96 |
| 02-200-56-275-000 | Apropriated Reserves | | | 8,413.96 | |
| TOTALS FOR | Grants | 0.00 | 0.00 | 8,413.96 | 8,413.96 |
| 04-101-01-000-001 | Cash - Capital | | | 0.00 | 202.00 |
| 04-215-56-994-000 | I/A F Municipal Building Improvements | | | 202.00 | |
| TOTALS FOR | Capital | 0.00 | 0.00 | 202.00 | 202.00 |
| 11-101-01-000-000 | Cash - Developer Escrow | | | 0.00 | 5,405.30 |
| 11-200-56-275-000 | Stormwater Escrow | | | 317.90 | |
| 11-200-59-275-000 | Use Variance | | | 4,355.90 | |
| 11-200-62-275-000 | Bulk Variance | | | 731.50 | |
| TOTALS FOR | Developer Escrow | 0.00 | 0.00 | 5,405.30 | 5,405.30 |
| 14-101-01-000-000 | Cash- Animal Control | | | 0.00 | 948.00 |
| 14-200-56-275-000 | Reserve for Animal control | | | 948.00 | |
| TOTALS FOR | Animal Control | 0.00 | 0.00 | 948.00 | 948.00 |
| 19-101-01-000-000 | CASH-AFFORDABLE HOUSING | | | 0.00 | 51.00 |
| 19-200-56-275-000 | RESERVE-AFFORDABLE HOUSING | | | 51.00 | |
| TOTALS FOR | Affordable Housing | 0.00 | 0.00 | 51.00 | 51.00 |

| | |
|--|--------------|
| Total to be paid from Fund 01 CURRENT FUND | 2,309,851.38 |
| Total to be paid from Fund 02 Grants | 8,413.96 |
| Total to be paid from Fund 04 Capital | 202.00 |
| Total to be paid from Fund 11 Developer Escrow | 5,405.30 |
| Total to be paid from Fund 14 Animal Control | 948.00 |
| Total to be paid from Fund 19 Affordable Housing | 51.00 |
| | 2,324,871.64 |



**Delaware Township Resolution #2021-28
To Enter Into Executive Session**

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; and

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

NOW, THEREFORE BE IT RESOLVED by the Committee of Delaware Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Contracts and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 1 hour. Action may be taken.
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

Approved: March 8, 2021