

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
February 16, 2021

The regular meeting of the Township Committee was held on this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:30 pm by Mayor Robert Klingel.

SUNSHINE LAW COMPLIANCE – Mayor Klingel noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Warren County, NJ Zoned Edition of the Express-Times and the Star Ledger, posted at the Municipal Building, and a copy is on file in the Clerk’s office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL

Fiore, present; Kovacs, present; Rossi, present; Willan, present; Klingel, present

STAFF PRESENT

Ann Kilduff, Township Clerk; Michael Lavery, Township Attorney; Peter deBoer, Township Administrator; Chief Thomas Cicerelle, WTPD; Sgt. Damon Bee, WTPD

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Willan, seconded by Fiore, to approve the minutes of the regular meeting of January 19, 2021.

ROLL CALL: Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

A motion was made by Rossi, seconded by Fiore, to approve the Executive Session minutes of the regular meeting of January 19, 2021.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

PAYMENT OF BILLS

A motion was made by Willan, seconded by Fiore, to approve the payment of the bills in the amount of \$4,452,016.67. **ROLL CALL:** Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

ORDINANCES

A motion was made by Rossi, seconded by Fiore, to open to the public Ordinance 21-01, An Ordinance Reauthorizing the Open Space Trust Fund for the Township of Washington – **2nd Reading, Public Hearing, and Adoption.** **ROLL CALL:** Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

Seeing no one to address the Committee, a motion was made by Fiore, seconded by Rossi, to close the public portion of Ordinance 21-01. **ROLL CALL:** Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

A motion was made by Fiore, seconded by Rossi, to adopt Ordinance 21-01 on second reading.
ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

**ORDINANCE NO. 2021-01
TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY
AN ORDINANCE RE-AUTHORIZING THE OPEN SPACE TRUST FUND
FOR THE TOWNSHIP OF WASHINGTON**

WHEREAS, the Township of Washington placed a non-binding referendum on the November 1997 general election ballot regarding the creation of an open space trust fund with a concurrent tax increase to assist in the creation of such trust fund; and

WHEREAS, by vote of 1164 in favor to 760 opposed, the voters of the Township indicated their interest in the creation of an open space trust fund and a concurrent tax increase to provide for the funding of such trust fund; and,

WHEREAS, after review of the referendum results and the parameters for the creation of such an open space trust fund and concurrent taxation source, the Washington Township Committee created an open space trust fund and concurrent funding source by the dedication of a specific tax to fund this open space trust; and,

WHEREAS, the Ordinance enabling such expired effective December 31, 2020; and,

WHEREAS, the Township Committee wishes to re-authorize the fund.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that the Washington Township Committee does hereby re-authorize the Township open space trust fund and concurrent funding source, via a separate tax, as follows:

Section 1. There is hereby created a Washington Township Open Space Trust Fund, whose purposes are set forth below.

Section 2. The purposes of the Washington Township Open Space Trust Fund are as follows:

- A. To acquire/develop lands/properties within the Township for recreation (active and/or passive) and conservation purposes;
- B. To assist in the preservation of farmland within the Township wherein there is a funding necessity, either through matching grants for farmland preservation/acquisition or through funding for the reservation of farming privileges and/or the

acquisition of development rights as established by state law or the Warren County Board of Chosen Freeholders or their designees;

- C. To preserve historic properties, either through direct acquisition or providing matching funding for grants and/or loans; and,
- D. To provide funding for the payment of debt service related to appropriations in accordance with subsections A through C above.

Section 3. The funding source for the Township Open Space Trust Fund shall be the establishment of a separate Township tax line item at an annual rate not to exceed two (\$.02) cents per one hundred (\$100.00) dollars of ratables for each and every taxable property located within the Township. The rate shall be set every year by the Township Committee, by resolution, during the existence of the Township Open Space Trust Fund, no later than the meeting at which Township budget shall be introduced. The Township Chief Financial Officer, the Township Auditor, the Tax Collector and the Township Tax Assessor shall assist the Township Committee in the annual creation and collection of this open space tax.

Section 4. The determination of how the Township Open Space Trust Fund shall be expended at anytime shall be at the sole discretion of the Township Committee and they shall be the final determiners of the allocation(s) of the Trust Fund during its existence.

Section 5. The provisions for taxation to create and fund Open Space Trust Fund and the existence of the Township Open Space Trust Fund shall cease to exist at the close of business on December 31, 2022 unless the Township Committee extends the duration of this Ordinance by the close of business on December 31, 2021.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- a. All ordinances or portions of ordinances which are inconsistent with his Ordinance shall be repealed as to their inconsistencies only.
- b. The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section of clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- c. This Ordinance shall take effect immediately upon final passage and publication as required by law.

A motion was made by Rossi, seconded by Fiore, to open to the public Ordinance 21-02, 2021 Salary Ordinance Amendment – Ordinance Establishing the Salary Ranges of the Officers and Employees of the Township of Washington, County of Warren, State of New Jersey – 2nd Reading, Public Hearing, and Adoption

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

Seeing no one to address the Committee, a motion was made by Fiore, seconded by Rossi, to close the public portion of Ordinance 21-02. **ROLL CALL:** Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

A motion was made by Willan, seconded by Fiore, to adopt Ordinance 21-02 on second reading. **ROLL CALL:** Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

**ORDINANCE 2021-02
TOWNSHIP OF WASHINGTON
WARREN COUNTY
2021 SALARY ORDINANCE AMENDMENT
ORDINANCE ESTABLISHING THE SALARY RANGES
OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF
WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, Ordinance 2020-08, an ordinance establishing the salary ranges of the officers and employees of the Township of Washington, County of Warren, State of New Jersey for the calendar year 2021 was adopted by the Township of Washington, County of Warren; and

WHEREAS, there is a need to amend Ordinance 2020-08.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, that the following salary ranges shall be established for the officers and employees of the Township of Washington for the calendar year 2021.

**Section 7
As-Needed Positions**

Construction Inspector 30.00 - 45.00 per hour

**Section 9A
Police Department**

Deputy Police Chief 120,000.00 - 145,000.00

**Section 9B
Police Department – Collective Bargaining Unit**

Step 9 Patrolman * 95,000.00 – 120,000.00

Step 8 Patrolman *	92,000.00 – 115,000.00
Step 7 Patrolman *	90,000.00 – 100,000.00
Step 6 Patrolman	85,000.00 – 120,000.00
Step 5 Patrolman	75,000.00 - 110,000.00
Step 4 Patrolman	70,000.00 - 100,000.00
Step 3 Patrolman	60,000.00 - 90,000.00
Step 2 Patrolman	50,000.00 - 80,000.00
Step 1 Patrolman	45,000.00 - 75,000.00
Recruit	35,000.00 – 45,000.00

* For Officers hired after January 1, 2021

Severability: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section of clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer: Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Effective Date: This Ordinance shall take effect upon final passage and publication as provided by law.

A motion was made by Rossi, seconded by Fiore, to introduce to the public Ordinance 21-03, An Ordinance to Amend, Replace and Rename Chapter 64-31, Stormwater Management, of the Code of the Township of Washington, County of Warren, State of New Jersey - Introduction (2nd reading, public hearing, and adoption at the March 16, 2021 meeting) **ROLL CALL:** Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

ORDINANCE 2021-03
TOWNSHIP OF WASHINGTON
WARREN COUNTY
ORDINANCE TO AMEND, REPLACE, AND RENAME CHAPTER 64-31,
STORMWATER MANAGEMENT, OF THE CODE OF THE TOWNSHIP
OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY

§ 64-31 Stormwater Control.
§ 64-31.1 Review and Inspection Fees.

§ 64-31.2 Definitions.

§ 64-31.3 Design & Performance Standards for Stormwater Management Measures.

§ 64-31.4 Stormwater Management Requirements for Major Development.

§ 64-31.5 Calculation of Stormwater Runoff & Groundwater Recharge.

§ 64-31.6 Sources for Technical Guidance.

§ 64-31.7 Solids & Floatable Materials Control Standards.

§ 64-31.8 Safety Standards for Stormwater Management Basins.

§ 64-31.9 Requirements for a Site Development Stormwater Plan.

§ 64-31.10 Maintenance & Repair.

§ 64-31.11 Variances from Design & Performance Standards.

§ 64-31.12 Penalties.

§ 64-31.13 Severability.

§ 64-31.14 Effective Date.

§ 64-31 .

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 §64-31 and 64-31 through 64-31.14 is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §64-31.2.

C. Applicability

1. §64-31 and 64-31 through 64-31.14 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. §64-31 and 64-31 through 64-31.14 shall also be applicable to all major developments undertaken by Washington Township.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to §64-31 and 64-31 through 64-31.14 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 §64-31 and 64-31 through 64-31.14 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

§64-31 and 64-31 through 64-31.14 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 §64-31 and 64-31 through 64-31.14 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.

§ 64-31.1 Review and Inspection Fees.

A. Review and inspection fees.

(1) Review fees.

(a) When stormwater management plans are required to be prepared and submitted for review and approval under §§ 64-31 and 64-31.1 through 64-31.14, 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 the development regulation.

(b) A review fee of \$500 shall be paid to the Township whenever:

[1] A stormwater management plan is required to be prepared and submitted for review and approval under §§ 64-31 and 64-31.1 through 64-31.14, 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.

[2] A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Land Use Board and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

(2) Inspection fees.

(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 the development regulation and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 64-31.2 Definitions.

For the purpose of §64-31 and 64-31 through 64-31.14 , the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

“Carbonate Rock Area” means an area where rock consisting chiefly of calcium and magnesium carbonates such as limestone and dolomite, has been identified.

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Current Deficit Area” means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

“Department” means the Department of Environmental Protection.

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

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited

to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

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

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

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

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

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

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

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

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

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

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

“Highlands Open Waters” means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

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

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

“Impervious surface – Highlands Preservation Area” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

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

“Karst” means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021.
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.”

“Maximum Extent Practicable” means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

“Mitigation” means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autcycles, 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” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §64-31.4.F. of §64-31 and 64-31 through 64-31.14 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.

“Non-Exempt Project” means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

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

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

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

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

“Preservation Area” means lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b.)

“Prime Ground Water Recharge Area” means lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

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

“Redevelopment” means land disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional Master Plan” means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

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

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

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

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

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

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

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

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

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

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

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may

either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

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

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

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

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

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

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

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

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

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

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2, 10, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

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

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

§ 64-31.3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- The standards in §64-31 and 64-31 through 64-31.14 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.

§ 64-31.4 Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §64-31.10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §64-31.4.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 §64-31.4.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 §64-31.4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of §64-31.4.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 §64-31.4.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 §64-31.4.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 §64-31 and 64-31 through 64-31.14 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 §64-31.4.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 §64-31.2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at §64-31.2.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §64-31.6.B. Alternative stormwater management measures may be used to satisfy the requirements at §64-31.4.O only if the measures meet the definition of green infrastructure at §64-31.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §64-31.4.O.2 are subject to the contributory drainage area limitation specified at §64-31.4.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 §64-31.4.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 §64-31.4.D is granted from §64-31.4.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 §64-31.8.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 §64-31.8; 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 §64-31.2 may be used only under the circumstances described at §64-31.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at §64-31.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §64-31.4.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 §64-31.4.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 Warren 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 §64-31.4.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 § 64-31.10 .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 §64-31.4 of §64-31 and 64-31 through 64-31.14 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 in the Office of the Warren 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 §64-31.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §64-31.4.F. and/or an alternative stormwater management measure approved in accordance with §64-31.4.G. The following green

infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §64-31.4.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 §64-31.4.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 §64-31.4.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 §64-31.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §64-31.4.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 §64-31.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §64-31.4.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 §64-31.5, 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.

- iii. For Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area as identified in the Township's Environmental Resource Inventory, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
- iv. For Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in the Township's Environmental Resource Inventory, the following standards shall apply:
 - a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.
 - b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
- 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.
 - iii. Carbonate rock areas in the Preservation Area where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).
- 5. Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:
 - i. Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
 - ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv),

defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - 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 §64-31.4.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 §64-31.5, 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.

§ 64-31.5 Calculation of Stormwater Runoff and Groundwater Recharge.

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

1. The design engineer shall calculate runoff using one of the following methods:
 - 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 §64-31.5.A.1.i and the Rational and Modified Rational Methods at §64-31.5.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.

§ 64-31.6 Sources for Technical Guidance.

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

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

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.

§ 64-31.7 Solids and Floatable Materials Control Standards.

- A. Site design features identified under §64-31.4.F above, or alternative designs in accordance with §64-31.4.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 §64-31.7.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.

§ 64-31.8 Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §64-31.8.C.1, C.2 and 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.

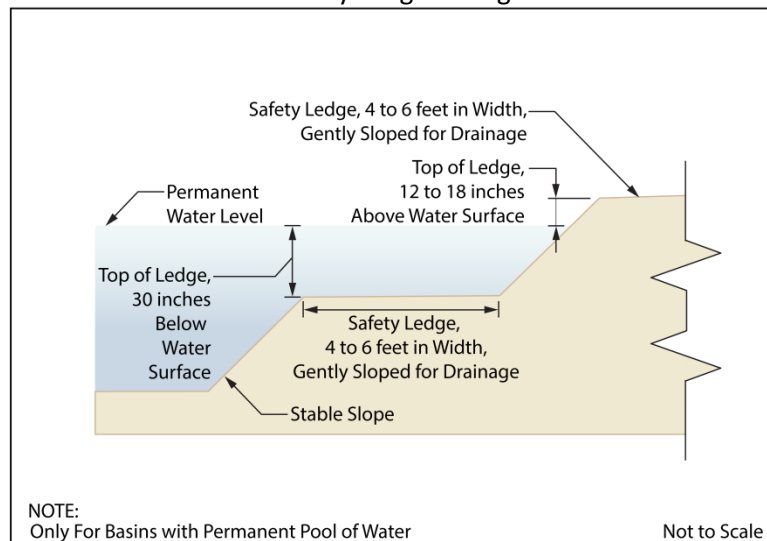
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The 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 §64-31.8.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



§ 64-31.9 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to §64-31 and 64-31 through 64-31.14 , the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §64-31.9.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 §64-31 and 64-31 through 64-31.14 .
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with §64-31.9.C of §64-31 and 64-31 through 64-31.14 .

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 §64-31 and 64-31 through 64-31.14 .

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 §64-31.3 through §64-31.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- 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 §64-31.4 of §64-31 and 64-31 through 64-31.14 .
- 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 § 64-31.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under §64-31 and 64-31 through 64-31.14 may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §64-31.9.C.1 through 9.C.6 of §64-31 and 64-31 through 64-31.14 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.

§ 64-31.10 Maintenance and Repair.

A. Applicability

Projects subject to review as in §64-31.1.C of §64-31 and 64-31 through 64-31.14 shall comply with the requirements of §64-31.10. B and C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
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 §64-31.10 .B.3 above is not a public agency, the maintenance plan and any future revisions based on § 64-31.10 .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 §64-31.10.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 §64-31.10s.B.6 and B.7 above.

8. The requirements of § 64-31.10 .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.
 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

§ 64-31.11 Variances from Design and Performance Standards.

- A. The municipal review agency may grant variances from the design and performance standards in §64-31.4.O, P, Q and R as set forth in this stormwater control ordinance provided that the following conditions are met.
1. The applicant demonstrates that it is technically impracticable to meet any one or more of the design and performance standards onsite. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. The municipality's approval of a variance shall apply to an individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard.
 2. The applicant demonstrates that the proposed design achieves the maximum possible compliance with the design and performance standards on-site.
 3. A mitigation project in accordance with the following is implemented.
 - i. The mitigation project may be a project which has been established by the Township or may be a project proposed by the applicant, provided it meets the criteria in §64-31 and 64-31 through 64-31.14 .
 - ii. The mitigation project shall be approved no later than preliminary or final site plan approval of the major development.
 - iii. The mitigation project shall be located in the same HUC 14 as the area of the major development subject to the variance.
 - iv. The mitigation project shall be constructed prior to or concurrent with the major development.
 - v. The mitigation project shall comply with the green infrastructure standards in §64-31.4.O.
 4. If the variance that resulted in the mitigation project being required is from the

green infrastructure standards in §64-31.4.O, then the mitigation project must use green infrastructure BMPs in Table 5-1, and/or an alternative stormwater management measure approved in accordance with §64-31.4.G. that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the variance. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm, as defined at §64-31.4.Q.4 at a minimum and is subject to the applicable contributory drainage area limitations specified in §64-31.4.G or §64-31.4.O.2 as applicable.

5. A variance from the groundwater recharge standards in §64-31.4.P. may be granted if one of the following is met:
 - i. The average annual groundwater recharge provided by the mitigation project must equal or exceed the average annual groundwater recharge deficit resulting from granting the variance for the major development; or
 - ii. Runoff infiltrated during the two-year storm from the mitigation project must equal or exceed the deficit resulting from granting the variance from the required infiltration of the increase in runoff volume from pre-construction to post-construction from the major development.
6. A variance from the stormwater runoff quality standards at §64-31.4.Q. may be granted if the following are met:
 - i. The total drainage area of motor vehicle surface managed by the mitigation project(s) must equal or exceed the drainage area of the area of the major development subject to the variance and must provide sufficient TSS removal to equal or exceed the deficit resulting from granting the variance for the major development; and
 - ii. The mitigation project must remove nutrients to the maximum extent feasible in accordance with §64-31.4.Q.6.
7. A variance from the stormwater runoff quantity standards at §64-31.4.R. may be granted if the following are met:
 - i. The applicant demonstrates, through hydrologic and hydraulic analysis, including the effects of the mitigation project, that the variance will not result in increased flooding damage below each point of discharge of the major development.
 - ii. The mitigation project discharges to the same watercourse and is

located upstream of the major development subject to the variance.

- iii. The mitigation project provides peak flow rate attenuation in accordance with §64-31.4.R.2.iii. for an equivalent or greater area than the area of the major development subject to the variance. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.
8. The applicant shall be responsible for preventive and corrective maintenance (including replacement) of the mitigation project and shall be identified as such in the maintenance plan established in accordance with § 64-31.10. This responsibility is not transferable to any entity other than a public agency, in which case, a written agreement with that public agency must be submitted to the review agency.
9. Any approved variance shall be submitted by the municipal review agency to the county review agency and the Department by way of a written report describing the variance, as well as the required mitigation, within 30 days of the approval.

§ 64-31.12 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of §64-31 and 64-31 through 64-31.14 shall be subject to the following penalties: A fine not exceeding \$500 or imprisonment for a term not exceeding 90 days, or both, and each day that such violation continues shall constitute a separate offense.

§ 64-31.13 Severability.

Each section, subsection, sentence, clause and phrase of §64-31 and 64-31 through 64-31.14 is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of §64-31 and 64-31 through 64-31.14 to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of §64-31 and 64-31 through 64-31.14 .

§ 64-31.14 Effective Date.

§64-31 and 64-31 through 64-31.14 shall be in full force and effect from and after its adoption and any publication as required by law.

§ 64-31.15 Conservation Plan. (Section renumbered. Text remains unchanged.)

§ 64-31.16 Landscaping plan requirements. (Section renumbered. Text remains unchanged.)

RESOLUTIONS

A motion was made by Willan, seconded by Fiore, to approve Resolutions 21-51 through 21-60.

ROLL CALL: Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-51
RESOLUTION TO AUTHORIZE THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN TO WAIVE
INTEREST ON PILOT PAYMENTS ASSOCIATED WITH THE ASBURY
FARMS URBAN RENEWAL, LLC PILOT PROJECT**

WHEREAS, the Township, on March 21, 2017, adopted Ordinance No. 2017-2 approving a redevelopment plan for the Hawk Pointe Redevelopment Area (aka Asbury Farms Urban Renewal, LLC) that included provisions permitting construction on the Property of residential, mixed use and commercial structures and other improvements; and

WHEREAS, the Township, on July 18, 2017, adopted Ordinance No. 2017-10 approving an application for tax exemption and authorizing the execution of a Financial Agreement in connection therewith for the Hawk

Pointe Redevelopment Areas which included a Long-Term Exemption namely a Payment in Lieu of Taxes (PILOT); and

WHEREAS, as of the date of the adoption on this resolution units have been sold as well as deeds filed and Temporary Certificates of Occupancy (TCO's) have been granted on certain units within the project area; and

WHEREAS, due to various circumstances the Township has not developed a software billing system for the PILOT Project associated with the Hawk Pointe Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED due to the extenuating circumstances that the Township Committee of the Township of Washington, County of Warren, State of New Jersey hereby waives interest until May 10, 2021 on said properties as mentioned above.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-52
CHAPTER 159 BUDGET AMENDMENT
NJDOT CEMETERY HILL ROAD – SECTION III**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Committee of the Township of Washington, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$115,000.00 which is now available from the State of New Jersey.

BE IT FURTHER RESOLVED that a like sum of \$115,000.00 is hereby appropriated under the caption:

NJDOT CEMETERY HILL ROAD – SECTION III

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey.

BE IT FURTHER RESOLVED that the Township Clerk will forward a certified copy of this resolution to the Chief Financial Officer for electronic submission to the Director of the Division of Local Government Services.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-53
RESOLUTION TO APPROVE THE RENEWAL OF GROUP HEALTH
INSURANCE WITH HORIZON BLUE CROSS AND BLUE SHIELD
FOR THE 2021 – 2022 POLICY PERIOD**

WHEREAS, the Township of Washington utilizes Sweatt & Walters as the Insurance Broker to administer the Township’s health, dental and vision coverage; and

WHEREAS, the Township of Washington currently offers health coverage through Horizon Blue which is up for renewal for the 2021-2022 policy period.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington, County of Warren, upon the attached recommendation of Sweatt & Walters, authorizes the Township Administrator, as the Plan Administrator, to renew the health insurance coverage with Horizon Blue Cross and Blue Shield for the 2021 – 2022 policy period.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION # 2021-54
2020 Recycling Tonnage Grant Application**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing Washington Township, Warren County, to apply for the **2020 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Washington Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, Warren County, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Co-Recycling Coordinator Peter deBoer, who is also a Certified Recycling Professional, and Co-Recycling Coordinator Suzanne Heerwagen to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-55
RESOLUTION TO AMEND SALARIES AND WAGES
FOR CERTAIN EMPLOYEES**

WHEREAS, the current annual Salary Ordinance establishes the salaries/wages and compensation for Police Department Personnel of the Township of Washington, County of Warren; and

WHEREAS, the current PBA contract outlines the time between Steps for Police Officers; and

WHEREAS, Resolution 2021-40, entitled *2021 Salary Resolution*, incorrectly stated the timeframe between Steps for current Step 4 Officers.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the following named employees be compensated for calendar year 2021 in the amount as designated below:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Dallas Overko	Police Officer – Step 4	\$92,546.84
Christopher Tremel	Police Officer – Step 4	\$92,546.84
Christopher Summers	Police Officer – Step 4	\$92,546.84

**WASHINGTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-56
REDEMPTION RESOLUTION
BLOCK 38, LOT 22 C0114**

WHEREAS, after resolution 2020-211 was adopted, the tax collector was advised by the lienholder that additional funds were needed to complete the redemption. The funds have been collected which are necessary for the redemption of Tax Sale Certificate #2019-021 sold to US0 Bank Cust/Pro Cap 8/Pro Cap.

NOW, THEREFORE, BE IT RESOLVED on this 16th day of February by the Mayor and Township Committee of the Township of Washington, County of Warren that since US Bank Cust/ Pro Cap 8/Pro Cap identification number is already on file it will be unnecessary to make provision for back up withholding, therefore the CFO is hereby authorized and directed to prepare a check made payable to US Bank Cust/Pro Cap 8/Pro Cap in the amount of \$31.02. The check is to be returned to the tax collector who will mail it once the tax sale certificate endorsed for cancellation has been received by him.

**WASHINGTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-57
REDEMPTION RESOLUTION
BLOCK 38, LOT 12**

WHEREAS, the Tax Collector was paid \$16,813.70 which is the amount necessary for the redemption of Tax Sale Certificate #2019-011 sold to US Bank Cust/Pro Cap 8/Pro Cap. The redemption is being done by the property owner of 95 Jackson Valley Rd.

NOW, THEREFORE, BE IT RESOLVED on this 16th day of February by the Mayor and Township Committee of the Township of Washington, County of Warren that since US Bank Cust/ Pro Cap 8/Pro Cap identification number is already on file it will be unnecessary to make provision for back up withholding, therefore the CFO is hereby authorized and directed to prepare a check made payable to US Bank Cust/Pro Cap 8/Pro Cap in the amount of \$16,813.70. The check is to be returned to the tax collector who will mail it once the tax sale certificate endorsed for cancellation has been received by him.

BE IT FURTHER RESOLVED that the Tax Collector is authorized to cancel this lien on Block 38, Lot 12 from the tax office records.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-58
RESOLUTION AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF
WASHINGTON, COUNTY OF WARREN AND
THE TEAMSTERS LOCAL UNION NUMBER 469 EFFECTIVE
JANUARY 1, 2021 THROUGH DECEMBER 31, 2025**

WHEREAS, the Township of Washington, County of Warren, State of New Jersey ("Township") and the Teamsters Local Union Number 469 ("Teamsters") are parties to a Collective Bargaining Agreement ("Contract") covering the period of January 1, 2016 and December 31, 2020; and

WHEREAS, the Township and the Teamsters have been engaged in good faith collective negotiations for the purpose of reaching agreement on terms and conditions of employment for a successor Contract; and

WHEREAS, the Township and Teamsters have reached agreement on new terms and conditions subject to ratification by the membership of the Teamsters and approval by the Township's Governing Body; and

WHEREAS, the negotiation committees for the Township and Teamsters unanimously agree to recommend the attached Agreement for ratification and approval.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that it does hereby authorize a Collective Bargaining Agreement between the Township of Washington, County of Warren and the Teamsters Local Union Number 469 in accordance with said Agreement annexed hereto.

BE IT FURTHER RESOLVED that the Township Committee does hereby authorize the Mayor and Municipal Clerk to execute any and all documents necessary to authorize a Collective Bargaining Agreement between the Township of Washington, County of Warren and the Teamsters Local Union Number 469 for the period of January 1, 2021 through December 31, 2025.

**WASHINGTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION #2021-59**

RESOLUTION TO RELEASE A PERFORMANCE GUARANTEE PROVIDED FOR THE PURPOSES OF SAFETY AND STABILIZATION FOR NJR CLEAN ENERGY VENTURES III – FOR WASHINGTON SOLAR FARM, BLOCK 47, LOT 7.02

WHEREAS, NJR Clean Energy Ventures III (NJR) is the developer of the Washington Solar Farm, located on Tax Block 48, Lot 7.02, and;

WHEREAS, in accordance with Section 64-12 of the Township Code, a Performance Guarantee for the purposes of site Safety and Stabilization was duly calculated in the total amount of \$11,374.38 and with minimum of 10% of the guarantee (\$1,137.44) to be furnished in the form of cash and the balance (\$10,236.94) in the form of a bond, all as described in the Township Engineer's memorandum dated October 15, 2018, and

WHEREAS, NJR duly deposited \$1,137.44 in cash and provided a Performance Bond from Travelers Casualty and Surety Company of America, being Bond Number 106970970, in the amount of \$10,236.94, for the purposes of site Safety and Stabilization, and

WHEREAS, in accordance with paragraph 9 of the project Developers Agreement, dated January 30, 2019, the Performance Guarantee shall be discharged and released upon completion of the required improvements to the satisfaction of the municipal engineer and the posting of a suitable maintenance guarantee (two years, 15% of the cost of the improvements calculated as being \$53,246.25) in the form acceptable to the Municipality, and

WHEREAS, as memorialized by Washington Township Committee Resolution #2020-185 dated November 16, 2020, NJR duly provided a Maintenance Bond from Travelers Casualty and Surety Company of America, being Bond Number 107328857, in the amount of \$53,246.25, and said bond was accepted, and

WHEREAS, the Township Engineer has prepared a memorandum dated November 12, 2020, stating that the improvements guaranteed by the performance bond have been completed noting that approximately 80 landscape buffer planting will need to be replanted in the Spring, 2021 and that the planting of said buffer plants would be guaranteed by the furnished Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Washington, that the performance guarantee for the purposes of site safety and stabilization for the Washington Solar Farm, as described above, be discharged and released in accordance with paragraph 9 of the project Developers Agreement including the Performance Bond and the Cash portion of the guarantee.

BE IT FURTHER RESOLVED that the Township Clerk forward an official copy of the Committee’s resolution to the NJR Clean Energy Ventures III.

**TOWNSHIP OF WASHINGTON
 WARREN COUNTY, NEW JERSEY
 RESOLUTION #2021-60
 RESOLUTION OF AMENDED AWARD OF BEAM GUIDERAIL
 CEMETERY HILL ROAD IMPROVEMENTS – SECTION II**

WHEREAS, the Township Committee of the Township of Washington, County of Warren received NJDOT Local Aid Funding for Cemetery Hill Road Improvements – Section II in the amount of \$110,564.00; and

WHEREAS, as part of the NJDOT Grant, the construction of certain individual construction items will be furnished and performed through contracts awarded through the Morris County Cooperative Pricing Council (MCCPC) and the Township Committee awarded these various construction items in Resolution 2019-93, adopted on April 16, 2019, and Resolution 2020-116, adopted on July 21, 2020; and

WHEREAS, Item 6, Galvanized Steel Flared End Terminal, is no longer a NJDOT approved end treatment for guiderail and the quantity for Item 6 will be reduced to zero (0) units, and will be substituted by increasing the quantity of Item 7, Galvanized Steel Tangent Guide Rail Terminal – TL-2, 25’ Long, six (6) units, and

WHEREAS, the MCCPC contractor for road guiderail for 2021 is Road Safety Systems, LLC and based on the units prices in the successful bid the estimated cost is reduced from the original award of \$52,402 to \$51,150.00.

NOW, THEREFORE, BE IT RESOLVED that the Township of Washington adopted this resolution to amend the award unit bid prices for beam guiderail, contract item 5 through 8, for CEMETERY HILL ROAD IMPROVEMENTS – SECTION II to Morris County Cooperative Pricing Council vendor, Road Safety Systems, LLC, which included the following items and unit prices:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL EXTENSION
5	Galvanized Steel Beam Guide Rail	687.5	LF	\$35.00	\$24,062.50

6	Galvanized Steel Flared End Terminal	0	EA	\$ N/A	\$0.00
7	Galvanized Steel Tangent Guide Rail Terminal – TL-2 25' Long	6	EA	\$3,500.00	\$21,000.00
8	Removal of Existing Guide Rail	844	LF	\$ 7.00	\$5,908.00
S1	Plastic Butterfly Reflector, Yellow/White	18	EA	\$10.00	\$180.00

TOTAL \$51,150.50

STAFF REPORTS

Chief Cicerelle had previously submitted a monthly report. He also talked about his desire to hold a special event in the near future regarding the K-9 training area. The Committee agreed to dedicate the area to the Township's first K-9 handler, Frank Rosnagle.

Absent staff members had also submitted reports prior to the meeting. Mr. deBoer offered to field any questions concerning those reports and follow-up, as necessary. There were no questions.

PUBLIC QUESTIONS AND CONCERNS

A motion was made by Rossi, seconded by Fiore, to open the meeting to the public. **All were in favor.**

Patricia Theide, 20 Candlewood Drive, requested a special meeting devoted to the timber harvest project at Roaring Rock Park.

Alex Kelchner, SAF, spoke on behalf of the Township concerning the details of the timber harvest.

Barb White, 216 Brass Castle Road, expressed her concern regarding the safety of trees along Brass Castle Road and questioned the cost of the timber harvest.

Roland Egers, Belvidere NJ, questioned certain matters pertaining to the fish and streams at Roaring Rock Park.

Ricky Waller, 3 Springtown Road, submitted a petition (50 residents, 143 signatures in total) requesting a special Zoom meeting pertaining to the Roaring Rock timber harvest.

Chris Vitalos, 28 Lambert Street, Washington Borough, requested a special public meeting concerning the timber harvest project at Roaring Rock Park.

John Trontis, 80 Harmony Brass Castle Road, spoke about his state park and forest lands experience. He included his concerns about logging and replanting with regard to the timber harvesting plan. He also expressed his interest in a special meeting with Township officials and/or the contracted forestry firm.

Janet LeRoe, 6 Spring Lane, asked for clarification concerning the hiring of the foresters. Attorney Lavery offered an explanation describing the process. She stated that she would like more information to be on the Township website as well as a Zoom meeting.

Alex White, 216 Brass Castle Road, shared his concern about Washington Township's lack of a Facebook page.

Laura Oltman, Pohatcong Township, talked about her correspondence with Dr. Sarah Webb, Drew University concerning the forestry plan and best management practices.

Kim Larents, Asbury, asked for clarification as to the number of trees to be cut. Mr. Kelchner provided those details. Attorney Lavery offered his copy of the plan to an audience member.

Mike Neuman, Pohatcong Township, spoke about a past forestry management proposal in Pohatcong Township. He also mentioned the availability of State funding for "carbon credits".

At this point, Chief Cicerelle clarified that no one had been denied entrance to the meeting, yet some chose to leave prior to its start.

Patricia Theide, 20 Candlewood Drive, reiterated her request for a special meeting to be held through Zoom to hear the concerns of the public regarding the timber harvest.

Les Martin, Sierra Club member, questioned the motivation for the project. Mr. deBoer informed the public that the safety of the trails prompted the research following several storms over the years, including, but not limited to Hurricane Sandy.

Robert Moss, Bloomfield, Essex County, questioned the liability of the Township with regard to accidents on local public land. Attorney Lavery cited a particular case concerning one town's liability.

Barb White, 216 Brass Castle Road, stated that after hearing concerns from the public, she would like to learn more about the project and requested that a special meeting be scheduled.

Alex White, 216 Brass Castle Road, mentioned that the trash littered about in Roaring Rock Park is a problem.

Elizabeth McKinnon, White Township, expressed her concern with cutting live trees as opposed to removing any fallen or dead trees. Mr. Kelchner offered an explanation concerning forest health.

Louisa Bartock, Washington Township, asked about the removal of dead trees regarding their effect on micro-organisms and fungi. Mr. Kelchner offered further explanation on the practice of maintaining good forest health.

Paul Grabner, 41 State Street (Borough), requested that the forest management plan be posted on the website.

Mayor Klingel stated that the plan would be posted on the Township website and that if scheduled, special meeting information would also be found there.

Seeing no one else to address the Committee, Mayor Klingel closed the public portion. The meeting was paused for five minutes to allow those wishing to leave the meeting time to exit.

OLD BUSINESS

Mr. Fiore informed the Committee of a meeting he had with Mayor Klingel, Mr. deBoer, and Attorney Campbell regarding the foreclosed properties list. Letters will be sent to alert neighbors of their availability. Properties will be sold at auction.

Mr. Fiore had nothing to report from Stefanie Miller of the State Agriculture Development Committee.

NEW BUSINESS

Mayor Klingel asked for questions concerning the Social Media Policy. There were none.

A motion was made by Fiore, seconded by Rossi, to approve the Social Media Policy.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

A motion was made by Fiore, seconded by Rossi, to authorize the Township Administrator to sign the necessary documents to retain Brian Sweatt as Broker of Record for health, dental, and vision insurance.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

ECONOMIC DEVELOPMENT

Nothing was discussed at this meeting.

REPORTS FROM OFFICIALS

Mr. Willan asked about the finalization of the Teamsters' contract. The Committee briefly discussed the procedure.

EXECUTIVE SESSION

A motion was made by Willan, seconded by Rossi, to approve Resolution 21-61, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance with the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 9:15 pm. Attorney Lavery stated that the Committee would be discussing (3) contractual matters dealing with EZNergy solar power agreement, Cross River Fiber LLC, and the forest management contract. **All were in favor.**

RESOLUTION #2021-61

RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Governing Body of the Township of Washington, County of Warren, will be going in Executive Session; and

WHEREAS, the meeting is not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington will give a brief summary of the meeting upon coming out of Executive Session.

A motion was made by Rossi, seconded by Fiore, to come out of Executive Session at 9:52 pm.

All were in favor. Attorney Lavery stated the Committee discussed (3) contractual matters dealing with EZNergy solar power agreement, Cross River Fiber LLC, and the forest management contract. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

ADJOURNMENT

Hearing no further business to come before the Committee, a motion was made by Willan, seconded by Fiore, to adjourn the meeting at 9:55 pm.

All were in favor.

Respectfully submitted,

Ann Kilduff, RMC
Township Clerk