

MARLBORO TOWNSHIP COUNCIL MEETING

February 18, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on February 18, 2021 at 6:00 P.M.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on February 16, 2021; published in the Asbury Park Press on February 9, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Municipal Clerk called the Roll.

PRESENT: Councilwoman Marder, Councilwoman Mazzola, Council Vice President Metzger, Councilman Scalea and Council President Cantor.

Also present: Mayor Jonathan L. Hornik, Louis Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson.

Councilwoman Mazzola moved that the minutes of February 4, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2021-086/Ordinance #2021-003 (Amending and Supplementing Various License and Permit Fees) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-086

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-003

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF

MARLBORO PERTAINING TO STORMWATER MANAGEMENT MAINTENANCE FEES; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS; LICENSED WRECKERS; DEPARTMENT OF FINANCE AND RECREATION & SWIM PROGRAMS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-003

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO STORMWATER MANAGEMENT MAINTENANCE FEES; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS; LICENSED WRECKERS; DEPARTMENT OF FINANCE AND RECREATION & SWIM PROGRAMS

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code Chapter 220 ("Land Use and Development are hereby amended as follows:

§ 220-18 Stormwater Management Maintenance Fees

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
Stormwater Management maintenance fees	Land use and development; Schedule C 220, 18A	Stormwater Improvement Fees (residential and non-residential development per acre)	\$3,550.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 125, "Construction Codes, Uniform", Section 125-3 "FEES" is hereby amended and supplemented as follows:

§ 125-3 D Fees Electrical

Specific Provision	Code Location	Amendment	Fee
Electrical: Disconnect 100 amps or less	125-3D(18)	Disconnect and Automatic Transfer Switch (ATS) 100 amps or less	\$75.00 (no change)
Electrical: Disconnect 101 to 200 amps	125-3D(19)	Disconnect and Automatic Transfer Switch (ATS) 101 to 200 amps	\$125.00 (no change)
NEW PROVISION	125-3D(19.1)	Disconnect and Automatic Transfer Switch (ATS) more than 200 amps	\$150.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 258, "Parking at Municipal Facilities", Section 258-4 "PERMITS" is hereby amended as follows:

A. Issuance; numbers restricted.

(1) Said permits shall be issued by the Business Administrator during the regular hours during which his or her office is open and only upon copies being furnished of:

(a) A current and valid motor vehicle registration and insurance certificate. (b) A current gas, water, sewer or electric utility bill dated within the previous thirty (30) days, indicating the name and address of the applicant as a resident of the Township of Marlboro, or as a resident of the Township of Manalapan.

(2) The Business Administrator shall issue not more than 150 permits to the residents of the Township of Manalapan on a first-come, first-served basis in any one year.

(4) Replacement fee or addition of vehicles for permit holders requiring a replacement permit or changing vehicles after March 31st and prior to the end of the subsequent permit year, a replacement permit may be issued for which an additional fee of \$25.00 shall be imposed.

D. Permits issued following the adoption of this article shall be valid from the date of issue until 12:00 midnight of March 31 of the following year, and shall be charged at the monthly rate specified hereinbefore. The parking spaces of permit holders who

fail to renew by April 1 shall be forfeited and offered to applicants maintained on a waiting list.

F. The Business Administrator shall make and keep a record of all permits issued, a list of applicants waiting for an available parking space, and the necessary procedures for the administration thereof.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 4, "Administration of Government", Section 88.1 "Division of Water Utility", is hereby amended as follows:

§ 4-88.1 Division of Water Utility

H. Violations and penalties. Any person, firm or corporation violating the provisions of this section or any succeeding ordinances or resolutions pertaining to the subject matter of this section which might be enacted or adopted shall be punished in accordance with the fines and penalties established by § 4-3 of the Code of Marlboro Township. Further, any party found guilty of unauthorized connection to and/or theft of water from the water system shall be subject to a minimum fine of \$500.00 and be responsible for repayment of the cost of water used which shall be based upon the estimated water usage as determined by the Director.

L. Application for water service.

(1) Water service connections shall be made upon written application to the Division on forms furnished by the Division and signed by the owner of the property or by a duly authorized agent.

(2) No application for service will be accepted for installation between December 15 and April 15, unless the property owner agrees to pay the additional cost that may be incurred because of adverse weather conditions during this period.

(3) All inspection fees for the connection into the water system shall be paid by the applicant pursuant to the rate schedule in place at the time of the application.

(4) The fee for connection to the water system shall be calculated by the Division as of the date a physical connection to the water system is made and a water meter is installed, pursuant to Schedule A.

T. Water Customer Charges

(1) SCHEDULE OF CHARGES AND FEES

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
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Connection Fee	4-88.1 T 2 D 1	Marlboro Water Utility Division	6,070.00
Cost of standard residential (5/8" x 3/4") water meter and associated equipment including labor/installation	4-88.1 T 2 D 2	Marlboro Water Utility Division	340.00
Connection Fee for Affordable Units 50%	4-88.1 T 2 D 3	Marlboro Water Utility Division	3,035.00
Private Fire Protection Charges - 2" meter	4-88.1 T 2 E 1	Marlboro Water Utility Division	39.00

(2) The Township Council shall, from time to time, establish a schedule of charges and fees for water and incidental services to be provided by the water utility. The schedule of charges shall be affixed. Schedule A, Water Service Rates and Fees, includes all fees to be charged to all customers of the water utility.

(3) The basic quarterly service charge assessed on each account shall be paid as billed. The basic quarterly service charge may be temporarily suspended for a period of up to two years following a request from the property owner for water to be turned off due to a fire which renders a structure uninhabitable. The facilities charge shall be reinstated after two years, once the water service is reactivated or there is a change of ownership, whichever occurs sooner.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 362 "Wreckers", Section 362-14 "Maximum rates" is hereby amended as follows:

§ 362-14 Maximum rates.

The maximum rates that may be charged for the use of a wrecker for towing a disabled vehicle from a point within the Township to a destination within the Township or within ten miles of its borders

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Article XI (Department of Finance), Section 4-54 (Powers and duties) of the Marlboro Township Code is amended as follows:

E. All bills, claims and demands against the Township shall be deemed approved or disapproved by the Township Council in accordance with the recommendation of the Chief Financial Officer and the concurrence of the Mayor. A voucher on a form prescribed by the Chief Financial Officer shall be presented for each bill, claim or demand and shall be paid only upon audit, warrant and approval of the Chief Financial Officer.

Disbursement shall be made by check drawn by the Chief Financial Officer and shall be signed by the Mayor, Chief Financial Officer or Business Administrator. For checks in excess of \$50,000.00, checks shall be signed by two signatories. Provision may be made for facsimile signatures on checks to provide for all disbursement of Township funds.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Article V of Chapter 265 ("Parks and Recreation Facilities, Facility Usage Policies and Fees") of the Marlboro Township Code is hereby amended and supplemented as follows:

§ 265-42 Facility usage fees (outdoors).

These fees include the use of all Township and Marlboro Board of Education facilities.

A. Permit fees.

(1) Single/multipurpose use permit, grass fields.

(a) Marlboro Resident/Marlboro non-profit organization/league: \$10 per hour.

(2) Hockey, Tennis, Pickleball, Basketball, Handball Courts.

a. Marlboro Resident/Marlboro non-profit organization: \$0 per hour.

b. Nonresident/Out of Town non-profit organization/league: \$25 per hour.

c. Marlboro Commercial organization/league/private event/private training: \$50 per hour.

d. Out of Town Commercial organization/private event/private training: \$100 per hour.

(3) Fields with lights.

a. Marlboro Resident/Marlboro non-profit organization/league for lights in addition to permit fees in § 265-42A(1), (2) and (3): \$25 per hour.

- b. Nonresident/Out of Town non-profit organization/league for lights in addition to permit fees in § 265-42A(1), (2) and (3): \$50 per hour.
- c. Marlboro Commercial organization/league/private event/private training for lights in addition to permit fees in § 265-42A(1), (2) and (3): \$35 per hour.
- d. Out of Town Commercial organization/league/private event/private training for lights in addition to permit fees in § 265-42A(1), (2) and (3): \$60 per hour.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2021-087/Ordinance #2021-004 (Authorizing General Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-087

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-004

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,896,518 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,601,689 BONDS

OR NOTES OF THE TOWNSHIP TO FINANCE PART OF
THE COST THEREOF

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-004

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,896,518 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,601,689 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$5,896,518, and further including the aggregate sum of \$294,829 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$5,601,689 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
<p>a) <u>Administration</u></p> <p>Acquisition of a copier, including all related costs and expenditures incidental thereto</p>	\$15,300	\$14,535	5 years
<p>b) <u>Management Information System</u></p> <p>Management information system infrastructure improvements and the acquisition of management information system equipment, including, but not limited to, software licensing, rack mount servers and storage devices, firewall and network improvement hardware, annual personal computer and laptop replacement program and laser printers, including all work and materials necessary therefor and incidental thereto, and further including all related costs and expenditures incidental thereto</p>	\$388,059	\$368,656	5 years

<u>Purpose</u>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of <u>Bonds & Notes</u>	Period of <u>Usefulness</u>
<p>c) <u>Engineering</u></p> <p>Road Improvement Program, including street improvements, paving, resurfacing, crosswalks, drainage and reconstruction of various streets, all as set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto</p>	\$2,723,401	\$2,587,231	10 years
<p>d) <u>First Aid</u></p> <p>Replacement of ambulance, including all related costs and expenditures incidental thereto</p>	\$239,700	\$227,715	5 years
<p>e) <u>Police Department</u></p> <p>1) Replacement of vehicles, including, but not limited to, trucks and vans, and further including all related costs and expenditures incidental thereto</p>	\$69,197	\$65,737	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
2) Replacement of equipment for vehicles, including all related costs and expenditures incidental thereto	\$204,000	\$193,799	5 years
3) Acquisition of equipment, including, but not limited to, a copier, police equipment for patrol and weapons systems and accessories, and further including all related costs and expenditures incidental thereto	\$25,414	\$24,143	5 years
4) Acquisition of traffic control and enforcement equipment, including all work and materials necessary therefor and incidental thereto, and further including all related costs and expenditures incidental thereto	\$27,540	\$26,163	10 years
f) <u>Road Maintenance</u>	\$605,880	\$575,586	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
1) Acquisition of a dump truck with plow and a pick-up truck with plow and refurbishment of trucks, including all related costs and expenditures incidental thereto			
2) Acquisition of a leaf vacuum, including all related costs and expenditures incidental thereto	\$71,400	\$67,830	15 years
g) <u>Vehicle Maintenance</u> Improvements to recycling yard dumpsters and light towers, including all work and materials necessary therefore and incidental thereto	\$40,800	\$38,760	15 years
h) <u>Grounds Maintenance</u> Improvements to public buildings, including HVAC upgrades, and improvements to library, and further including all work and materials necessary therefore and incidental thereto	\$1,127,101	\$1,070,746	15 years
i) <u>Parks Maintenance</u> Acquisition of a dump truck with plow, including all related	\$73,950	\$70,252	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
costs and expenditures incidental thereto			
j) <u>Recreation</u> Various park improvements, all as set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto	\$264,886	\$251,641	15 years
k) <u>911 Expenses</u> Improvements to police communication system, including all related costs and expenditures incidental thereto	<u>\$19,890</u>	<u>\$18,895</u>	10 years
Totals:	<u>\$5,896,518</u>	<u>\$5,601,689</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.90 years.

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

ordinance by \$5,601,689, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$115,619 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for

the payment of the obligations and the interest thereon without limitation of rate or amount.

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

The following Resolution #2021-088/Ordinance #2021-005 (Authorizing Water Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-088

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-005

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,763,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,763,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-005

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,763,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,763,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,763,800. No down payment is required as the purposes authorized herein are deemed self-liquidating, and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,763,800 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Replacement of water main on Lloyd Road from Nolan Road to Route 79, including all work and materials	\$163,200	\$163,200	40 years

<u>Purpose</u>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of Bonds & <u>Notes</u>	<u>Period of Usefulness</u>
necessary therefor and incidental thereto			
b) Miscellaneous valve replacement in connection with the Water Quality Accountability Act, including all work and materials necessary therefor and incidental thereto	\$408,000	\$408,000	15 years
c) Redrilling of Well #2, including all work and materials necessary therefor and incidental thereto	\$204,000	\$204,000	15 years
d) Rehabilitation of Nolan Road water tank, including all work and materials necessary therefor and incidental thereto	\$1,836,000	\$1,836,000	20 years
e) Acquisition of Management	\$51,000	\$51,000	5 years

<u>Purpose</u>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of Bonds & <u>Notes</u>	<u>Period of Usefulness</u>
Information System equipment including, but not limited to, SCADA architecture (backup system) and further including all work and materials necessary therefor and incidental thereto			
f) Replacement of roof at Harbor Road Treatment Plant, including all work and materials necessary therefor and incidental thereto	\$255,000	\$255,000	15 years
g) Replacement of water meters, including all work and materials necessary therefor and incidental thereto	\$204,000	\$204,000	15 years
h) Emergency water main repairs and restoration, including all work and materials	\$510,000	\$510,000	20 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
necessary therefor and incidental thereto			
i) Repair of hydrants, valves and pipes, including all work and materials necessary therefor and incidental thereto	<u>\$132,600</u>	<u>\$132,600</u>	15 years
Totals:	<u>\$3,763,800</u>	<u>\$3,763,800</u>	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include

the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 19.06 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,763,800, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$73,800 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

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

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

The following Resolution #2021-089/Ordinance #2021-006 (Establishing Registration Requirements for Landscapers by Amending Chapter 337, "Trees" by Creating a New Article IV Entitled "Landscaper Registration" and by Adding Sections 337-27 to 337-32 of the Revised General Code) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-089

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-006

AN ORDINANCE CREATING REGISTRATION REQUIREMENTS FOR LANDSCAPERS BY AMENDING CHAPTER 337, "TREES" BY CREATING A NEW ARTICLE IV ENTITLED "LANDSCAPER REGISTRATION" AND BY ADDING NEW SECTIONS 337-27 TO 337-32 OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-006

AN ORDINANCE CREATING REGISTRATION REQUIREMENTS FOR LANDSCAPERS BY AMENDING CHAPTER 337, "TREES" BY CREATING A NEW ARTICLE IV ENTITLED "LANDSCAPER REGISTRATION" AND BY ADDING NEW SECTIONS 337-27 TO 337-32 OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, it is necessary that any person engaged in the business of landscaping for hire on any public street or private property within the Township be registered with the Township in order to ensure they comply with the provisions of the Township brush, branch and leaves ordinances; and

WHEREAS, it is necessary for the Township to add new sections to the Township Code to ensure that all landscapers are registered with the Township to engage in landscaping for hire; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, that the following Subsections of Chapter 337 of the Township Code be added as follows:

SECTION 1.

Article IV Landscaper Registration

Subsection 337-27 - Purpose:

The purpose of this chapter is to ensure that all landscapers are cognizant of the Township's brush, branches, and leaves ordinances. Nothing in this chapter shall relieve any owner, lessee or tenant from his/her responsibility to comply with the requirements of the Township's leaf and brush ordinances. The Township makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered with the Township to engage in landscaping for hire.

Subsection 337-28 - Registration Required:

It shall be unlawful to engage in business in the Township as a landscape contractor without first having registered as set forth herein.

Subsection 337-29 - Definitions:

As used in this chapter, the following words and phrases shall have the following meanings:

FOR HIRE

To demand and/or accept payment or compensation for completion of landscaping services.

LANDSCAPE or LANDSCAPING

To be in the business, occupation or trade of adorning or improving property or portions of property by: the mowing of grass or lawns; trimming or cutting of trees, bushes or shrubbery; restoration or installation of lawns, grass, foliage, leaves or trees from a given property; performance of any and all services relating to the placing, installation, care or cultivation of lawns, shrubbery, trees, foliage or other plant life; or the installation of sprinkler systems. As used in this chapter, the term "landscape" or "landscaping" shall also refer to the solicitation of the above referenced services.

LANDSCAPE CONTRACTOR or LANDSCAPER

Any individual person, partnership, corporation (for-profit, nonprofit, or municipal and its agencies), firm, association, business or legal entity, or any combination of the foregoing which undertakes any of the following services as a commercial undertaking for consideration: mowing of grass or lawns; trimming or cutting of trees, bushes or shrubbery; restoration or installation of lawns, grass, foliage, leaves or trees from a given property; any and all services relating to the placing, installation, care or cultivation of lawns, shrubbery, trees, foliage or other plant life; installation of sprinkler systems.

PERSON

Any individual or entity including, but not limited to, any partnership, corporation (for-profit, nonprofit, or municipal and its agencies), firm, association, business or legal entity, or any combination of the foregoing.

SERVICE LOCATION

The full legal street location address at which landscaping activities are to be performed.

Subsection 337-30 - Applications for registration; registration fee:

- A. All applications for registration shall be made on-line through the Township's website by the applicant or the authorized agent of the applicant, in a form required by the Business Administrator. Landscapers will be required to register for each service location. The application shall state the name of the contractor/landscaper, the correct name under which the business is being operated, contact information including phone and email address, the service location, and such other pertinent information as may be required by the Business Administrator.
- B. The owner or occupant of a structure or premises shall not be required to register, provided the work will be performed, completed and supervised by the owner or occupant.
- C. At the time of registration, the applicant shall certify that he/she has received a copy of and will comply with the provisions of the Township's brush, branches, and leaves ordinances stated in Part II, General Legislation, Article III, Garbage Collection Regulations, § 320-15.

Subsection 339-31 - Exemptions:

- A. No registration shall be required of any owners, lessee or tenant of real property who shall personally perform activities otherwise requiring registration; except that all such work must otherwise comply with Township ordinances.

Subsection 339-32 - Violations and Penalties:

- A. Any person or persons who shall violate or fail to comply with any of the provisions of this chapter, upon conviction thereof by the Municipal Court, shall be punished by a fine of not less than \$100 for the first offense, not less than \$100 and not to exceed \$500 for the second offense and not less than \$100 and not to exceed \$1,000 for the third offense, and/or the revocation of the permit to further operate within the Township.
- B. Any person whose registration is revoked pursuant to this Section § 339-32 A. shall refrain from further work within the Township until such person obtains a new permit for a future year.

Subsection 339-33 - Immediate Implementation:

- A. All persons engaged in any landscaping for hire currently working within the confines of the Township shall register with the Township pursuant to the provisions of this chapter no later than September 1, 2021. Any person conducting landscaping activities at a service location after September 1, 2021 without being registered, shall render such landscaper subject to the penalties imposed herein.

SECTION II.

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III.

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

The following Resolution #2021-090/Ordinance #2021-007 (Amending Chapter 220, "Land Use Development", by Amending Article VIII, "Subdivisions: Design and Performance Standards", Subsections 220-147 through 220-158 Entitled "Scope and Purpose of Stormwater Management Requirements" of the Revised Code of the Township of Marlboro) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-090

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-007

AN ORDINANCE AMENDING CHAPTER 220, "LAND USE DEVELOPMENT",
BY AMENDING ARTICLE VIII, "SUBDIVISIONS: DESIGN AND
PERFORMANCE STANDARDS",
SUBSECTIONS 220-147 through 220-158 ENTITLED "SCOPE AND
PURPOSE OF STORWATER MANAGEMENT REQUIREMENTS" OF THE
REVISED CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-007

AN ORDINANCE AMENDING CHAPTER 220, "LAND USE DEVELOPMENT", BY
AMENDING ARTICLE VIII, "SUBDIVISIONS SIGNS AND PERFORMANCE
STANDARDS",
SUBSECTIONS 220-147 through 220-158 ENTITLED "SCOPE AND PURPOSE
OF STORWATER MANAGEMENT REQUIREMENTS" OF THE REVISED CODE OF THE
TOWNSHIP OF MARLBORO

WHEREAS, NJDEP has drafted an updated model stormwater ordinance which municipalities must adopt by March 2, 2021 to incorporate these updates; and

WHEREAS, Projects must now meet water quantity, water quality, groundwater recharge requirements for all drainage areas from the site; and

WHEREAS, NJDEP has now provided standards for "Green Infrastructure" which is a stormwater measure that treats stormwater runoff through infiltration or filtration or stores it for reuse; and

WHEREAS, the Township Engineer has reviewed the updated model ordinance and has made revisions to the Township Stormwater Management Ordinance at Chapter 220, Article VIII, Subsections 220-147 through 220-158 entitled "Scope and Purpose of Stormwater Management Requirements" in accordance with the recommended updates; and

WHEREAS, Runoff water from storms needs to be clean of debris and pollutants so that drinking water and waterways are clean for all which can be achieved by appropriate Stormwater Management; and

WHEREAS, the Mayor and Council have determined it is in the best interest of its residents to adopt the recommended updates to the stormwater management ordinance to better protect water quality by reducing pollution runoff through the implementation of required green infrastructure technologies;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Marlboro that Chapter 220, "Land Use Development", Article VIII, "Subdivision Signs and Performance Standards", subsection 220-147 through 220-158 entitled "Scope and purpose of stormwater management requirements" is hereby revised to read as follows:

§ 220-147 Scope and purpose of stormwater management requirements.

- 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. It is the purpose of §§ 220-147 through 220-158 to establish minimum stormwater management requirements and controls for major development, as defined in § 220-148.

C. Applicability.

(1) Sections 220-147 through 220-158 shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

(a) Nonresidential major developments; and

(b) Aspects of residential major developments that are not regulated by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) Sections 220-147 through 220-158 shall also be applicable to all major developments undertaken by Township of Marlboro.

D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to §§ 220-147 through 220-158 are to be considered an integral part of development approvals under the subdivision and site plan review process 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 §§ 220-147 through 220-158 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Sections 220-147 through 220-158 are not intended to interfere with or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of these sections 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 apply.

§ 220-148 Definitions related to stormwater management.

For the purpose of §§ 220-147 through 220-158, 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.

AGRICULTURAL DEVELOPMENT

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 manufacturing of agriculturally related products.

CAFRA CENTERS, CORES OR NODES

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

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

An agency designated by the County Commissioners to review the Township of Marlboro's stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

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

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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, by any person, 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 lands, "development" means any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE

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

DRAINAGE AREA

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

EMPOWERMENT NEIGHBORHOODS

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

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

An area or feature which is of significant environmental value, including but not limited to stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead 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.

EROSION

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

FLOOD HAZARD AREA

Area of potential risk due to sudden and temporary increase of surface water flow due to a storm event, typically, the one-hundred-year storm.

GREEN INFRASTRUCTURE

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

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

HUC 14 OR "HYDROLOGIC UNIT CODE 14"

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

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

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

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

MITIGATION

An action by an applicant providing compensation or offset actions for on-site stormwater management requirements where the applicant has demonstrated the inability or impracticability 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 220-147 through 220-158, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of §§ 220-147 through 220-158, includes both the mitigation plan, detailing how the project's applicant's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same HUC-14 subwatershed within which the subject project is proposed (if possible and practical), or a contribution of funding toward a regional stormwater management plan, or provision for equivalent treatment at an alternative location, or other equivalent water quality benefit.

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

Marlboro Township.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL OR "BMP MANUAL"

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management

practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 220-150F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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

NUTRIENT

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

PERSON

Any individual, corporation, company, partnership, firm, association, the Township of Marlboro or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT

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

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

- (1) A net increase of impervious surface;
- (2) The total area of impervious surface collected by a

new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

(3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

(4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

(1) The total area of motor vehicle surface that is currently receiving water;

(2) A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT

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

SITE

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

SOIL

All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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

STATE PLAN POLICY MAP

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

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT BASIN

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

STORMWATER MANAGEMENT MEASURE

Any structural or nonstructural strategy, 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 nonstormwater discharges into stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY

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

STORMWATER MANAGEMENT PLANNING AREA

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

STORMWATER RUNOFF

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

TIDAL FLOOD HAZARD AREA

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

TIME OF CONCENTRATION

The time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

TOTAL SUSPENDED SOILS

The sum of dissolved and undissolved solids and particulate matter of a buoyancy and/or specific gravity that prohibits their settling in runoff.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

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

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

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

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS or WETLAND

An area that is inundated or saturated by surface water or groundwater 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."

220-149 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.

A. The standards in §§ 220-147 through 220-158 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.

§ 220-150 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 § 220-156.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitats 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 quantity, and stormwater runoff quality requirements of Subsections P and Q:

(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 quantity, and stormwater runoff quality requirements of Subsections O, P and Q may be obtained for the enlargement of an existing public roadway, 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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsections O, P and Q to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of Subsections O, P and Q, 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 Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections O, P and Q that were not achievable on site.

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 Subsections O, P, and Q. When designed in accordance with the most current version of the New Jersey

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

https://njstormwater.org/bmp_manual2.htm

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

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

Manufactured Treatment Device ^(a)	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	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration	80	Yes	Yes	2
Small-Scale Sand	80	Yes	Yes	2
Vegetative	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found below Table 3)

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 SS 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 below Table 3)

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 SS 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 Subsection 0(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at Section 220-148;

(h) manufactured treatment devices that do not meet the definition of green

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 220-153B. Alternative stormwater management measures may be used to satisfy the requirements at Subsection O only if the measures meet the definition of green infrastructure at Section 220-148. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O(2) are subject to the contributory drainage area limitation specified at Section O(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D is granted from Subsection O.

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

mound, or interference with the proper functioning of the stormwater management measure itself.

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

- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 220-154B;
- (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
- (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 220-154; and
- (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the

requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 220-148 may be used only under the circumstances described at Subsection O(4).

K. Any application for a new agricultural development that meets the definition of major development at Section 220-148 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections O, P, and Q 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 Subsection P and Q 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 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 Subection O, P and Q and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the

deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 220-148 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the 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 Subsection P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection F and/or an alternative stormwater management measure approved in accordance with Subsection 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 Subsection Q, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection 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 Subsection 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 Subsection G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection P and Q.
- (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 Subsection P

and Q, unless the project is granted a waiver from strict compliance in accordance with Subsection D.

P. 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:
 - (a) 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.
 - (b) 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 eighty-percent TSS reduction for a site,

the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AB)/100$$

Where:

R = total TSS percent load removal from application of both BMPs

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 BMP's that optimize nutrient removal while still achieving the performance standards in Subsections P and Q.

(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.

Q. Erosion control, groundwater recharge and Stormwater runoff quantity standards.

(1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(b) The minimum design and performance standards for groundwater recharge are as follows:

[1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 220-151, either:

[a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

[b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post construction for the two-year storm is infiltrated.

[2] This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to Subsection Q(1)(b)[3] below.

[3] The following types of stormwater shall not be recharged:

[a] 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

[b] 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.

[4] 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 and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

(c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 220-151, complete one of the following:

[1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post construction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

[2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-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;
or

[3] Design stormwater management measures so that the post construction peak runoff rates for the two-, ten- and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction 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. The percentages shall not be applied to post construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge;

(d) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

(2) Any application for a new agricultural development that meets the definition of major development at § 220-148 shall be submitted to the Freehold Soils Conservation District (FSCD) for review and approval in accordance with the requirements of this section and any applicable FSCD guidelines for stormwater runoff quantity and erosion control.

§ 220-151 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:

- (a)** (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or 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

(b) 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 preconstruction 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 at Subsection A(1)(a) and the Rational and Modified Rational Methods at Subsection A(1)(b). 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 has 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 preconstruction 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 preconstruction 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 and 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 Ground-Water 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.

C. Designs of stormwater conduit systems shall utilize the Sandy Hook twenty-five-year rainfall.

§ 220-152 Standards for structural stormwater management measures.

A. Standards for structural stormwater management measures are as follows:

- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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) Structural 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 1/3 the width of the diameter of the orifice or 1/3 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 § 220-154B.

- (3) Structural 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, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement.
 - (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
 - (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 220-154.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 220-150.
- C. Manufactured treatment devices may be used to meet the requirements of § 220-150, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.
- D. Standards for stormwater collection systems.
- (1) Velocities in closed conduits at design flow shall be at least two feet per second but not more than 10 feet per second.
 - (2) No pipe size in the storm drainage system shall be less than 15 inches in diameter.

- (3) All discharge pipes shall terminate with a precast concrete flared end section or a cast-in-place concrete headwall with or without wingwalls as conditions dictate.
- (4) The spacing of inlets shall be such that surface water shall not flow for more than 500 feet or the quantity of water is such that it causes ponding of water deeper than two inches at Type B and Type E inlets, whichever is the lesser distance. If, due to the slope of the approach prior to the inlet, 80% of the stormwater does not enter the inlet, decreased spacing and depth of water permissible shall be required. Sufficient inlets will be placed to eliminate any flow exceeding two cubic feet per second across any roadway intersection or pedestrian crosswalk.
- (5) Dished gutters shall be permitted at any street intersection on rural and local streets and at the intersection of rural and local streets with minor collector streets and at the intersection of minor collector streets with major collector streets where the street of the lower classification is to be officially designated and signed as a stop street. In such cases, the dished gutter shall cross only the street of the lower classification. At the intersections of primary and secondary arterial streets and major collector streets, sufficient catch basins, at the discretion of the reviewing agency, shall be installed at each street intersection to avoid gutter overflow and at low points in the street grade, and dished gutters shall not be permitted.
- (6) Manhole spacing shall increase with pipe size. The maximum spacing shall be 500 feet for 15 to 18 inches; 600 feet for 21 to 36 inches; and 700 feet for 42 inches and greater.

§ 220-152.1 Construction standards for pipe.

A. Storm sewer.

- (1) Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron, corrugated aluminum or corrugated steel unless site and other conditions dictate otherwise. Reinforced converted pipe shall be used unless the applicant can demonstrate that the use of other materials will be more beneficial due to the proposed

installation. Cost will not be a consideration in this analysis. Specifications referred to, such as American Standards Association, American Society for Testing and Materials, American Water Works Association, etc., should be the latest revision.

(2) Reinforced concrete pipe.

(a) Circular reinforced concrete pipe and fittings shall meet the requirements of ASTM C-76.

(b) Elliptical reinforced concrete pipe shall meet the requirements of ASTM C-507.

(c) Joint design and joint material for circular pipe shall conform to ASTM C-443.

(d) Joints for elliptical pipe shall be bell and spigot or tongue and groove, sealed with butyl, rubber tape or external sealing bands conforming to ASTM C-877.

(e) All pipe shall be Class III unless a stronger pipe (i.e., higher class) is indicated to be necessary.

(f) The minimum depth of cover over the concrete pipe shall be as designated by the American Concrete Pipe Association.

(3) Ductile iron pipe. Ductile iron pipe shall be centrifugally cast in metal or sand-lined molds to ANSI A21.51-1976 (AWWA C151-76). The joints shall conform to AWWA C111. Pipe shall be furnished with flanges where connections to flange fittings are required. Pipe should be Class 50 (minimum). The outside of the pipe should be coated with a uniform thickness of hot-applied coal tar coating and the inside lined cement in accordance with AWWA C104. Ductile iron pipe shall be installed with Class C ordinary bedding.

(4) Corrugated aluminum pipe. Within the public right-of-way and where severe topographic conditions or the desire to minimize the destruction of trees and vegetation exist, corrugated aluminum pipe, pipe arch or helical corrugated pipe may be used. The material shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert and

Under Drain AASHTO Designation M196 or the Standard Specification for Aluminum Alloy Helical Pipe AASHTO Designation M-211. The minimum thickness of the aluminum pipe to be used shall be:

- (a) Less than twenty-four-inch diameter or equivalent, 0.075 inch (fourteen-gauge).
 - (b) Twenty-four-inch diameter and less than forty-eight-inch diameter or equivalent, 0.105 inch (twelve-gauge).
 - (c) Forty-eight-inch but less than seventy-two-inch diameter or equivalent, 0.135 inch (ten-gauge).
 - (d) Seventy-two-inch diameter or equivalent and larger, 0.164 inch (eight-gauge).
- (5) Corrugated steel pipe. Corrugated steel pipe may be used in place of corrugated aluminum and shall meet the requirements of AASHTO Specification M36. Coupling bands and special sections shall also conform to AASHTO M-36. All corrugated steel pipe shall be bituminous coated in accordance with AASHTO M-190, Type A minimum.
- (6) Pipe bedding shall be provided as specified in Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Reports on Engineering Practice Number 37, prepared by A Joint Committee of the Society of Civil Engineers and the Water Pollution Control Federation, New York, 1969.

B. Inlets, catch basins and manholes.

- (1) Inlets, catch basins and manholes shall be designed in accordance with State Highway Department Standard Plans and Specifications. Frames shall be Campbell Foundry Company Pattern Number 2541, 2548, with eight-inch curb face, and 3432, 3440, for Type E inlets, or approved equal. All grates are to be bicycle grates.
- (2) Manholes and catch basins shall be precast concrete, brick or concrete block, coated with two coats of portland cement mortar.

- (3) If precast manhole barrels and cones are used, they shall conform to ASTM Specification C-473 with round rubber gasketed joints, conforming to ASTM Specification C-923. Maximum absorption shall be 8% in accordance with ASTM Specification C-478, Method A.
- (4) If precast manholes are utilized, the top riser section shall terminate less than one foot below the finished grade and the manhole cover shall be flush with the finished grade.
- (5) Manhole frames and covers shall be of cast iron conforming to ASTM Specification A-48 Class 30 and be suitable for H-20 loading capacity. All manhole covers in rights-of-way or in remote areas shall be provided with a locking device. The letters "Year 20 ____" and the words "STORM SEWER" shall be cast integrally in the cover.

C. Principal outlet structures.

- (1) Outlet structures should be designed to facilitate outlet operation and maintenance as the water level rises and to permit clearing either during or after a storm. Structural support members, steps, rungs or ladders should be provided to allow easy escape opportunities for a child or an adult without having these support members, ladders, etc., impede the clearing of trash from the outlet structure or the upward movement of trash as the water level rises.
- (2) The use of thin metal plates for trash rack bars, hand-hold supports, sharp crested weirs or orifices are prohibited because of the potential for accidents. Wire mesh fabric is similarly prohibited due to its poor suitability for trash clearance.
- (3) Any outlet protective facility should have lockable hinged connections providing adequate access to thoroughly clean the area enclosed by the structure and to facilitate removal of accumulated debris and sediment around the outlet structure.
- (4) All outlet structures shall be structurally sound and shall be designed to withstand, without failure or permanent deformation, all structural loads, hydrostatic, dynamic or otherwise, which impact upon it during the design life of the

installation. They shall be maintenance free to the maximum extent possible.

D. Solids and Floatable Materials Control Standards

(1) Site design features identified under Section 220-150F, or alternative designs in accordance with Section 220-150G, 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 Subsection (b) below.

(a) 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:

[1] 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

[2] 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.

[3] 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.

(b) The standard in (a) above does not apply:

[1] 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;

[2] 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;

[3] 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).

[4] 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

[5] 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.

§ 220-153 Sources for technical guidance for stormwater management.

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.

or can be obtained from the following:

(a) The Standards for Soil Erosion and Sediment Control in New Jersey, promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

(b) The Rutgers Cooperative Extension Service, 732-932-9306; and

(c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State

Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540.

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.

§ 220-154 Safety standards for stormwater management basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Marlboro Township and Monmouth 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 § 220-154B(1), (2) and (3) for trash racks, overflow grates, and escape provisions at outlet structures.

B. 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 BMPs to ensure proper functioning of the basin outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(c) 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.

(d) The trash rack 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.

(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:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) 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:

(a)–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 Subsection B, a free-standing outlet structure may be exempted from this requirement;

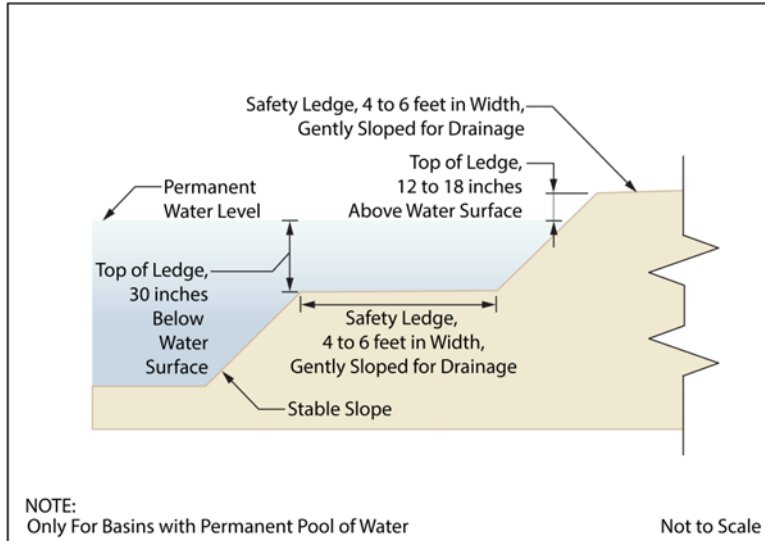
(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half 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 Subsection D for an illustration of safety ledges in a stormwater management BMP; and

(c) 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.

C. Variance or exemption from safety standards. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency, the Township of Marlboro, the County of Monmouth or the Department that the variance or exemption will not constitute a threat to public safety.

D. Illustration of safety ledges in a new stormwater management basin.

Elevation view -Basin Safety Ledge Configuration



§ 220-155 Site development stormwater plan.

A. Submission of site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to §§ 220-147 through 220-158, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection C below as part of the submission of the applicant's application for subdivision or site plan approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in §§ 220-147 through 220-158.

(3) The applicant shall submit 15 copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C.

B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in §§ 220-147 through 220-158.

C. Checklist requirements. The following information shall be required:

(1) Topographic base map. The Township 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 one inch equals 200

feet or greater, showing two-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 floodplains 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 man-made 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 environs. 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 plan(s): 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 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 of proposed changes in natural conditions may also be provided.

(4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 220-149 through 220-152 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:

(a) Total area to be 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.

(b) 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.

(a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post development conditions for the design storms specified in § 220-150.

(b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site 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 § 220-156.

(8) Waiver from submission requirements. The Township Engineer or, if applicable, Board Engineer in consultation with the Township Engineer, may waive submission of any of the requirements in Subsection C(1) through (6) 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.

§ 220-156 Maintenance and repair or stormwater management measures.

A. Applicability. Projects subject to review as in § 220-147C shall comply with the requirements of Subsections 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 the 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 developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer'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 person responsible for maintenance identified under Subsection B(2) above is not a public agency, the maintenance plan and any future revisions based on Subsection 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 person responsible for maintenance identified under Subsection B(2) above shall perform all of the following requirements:

- (a) 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;
- (b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- (c) 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 Subsections B(6) and B(7) above.

(8) The requirements of Subsection B(3) and (4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(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 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.

C. Nothing in this section 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.

§ 220-157 Violations and penalties related to stormwater management.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of §§ 220-147 through 220-158 shall be subject to the following penalties. Failure to comply with any provisions of these sections shall be considered a violation of the Coded Ordinances of the Township of Marlboro and shall be punishable by a fine of \$1,000 or 90 days in jail, or both. Each day of such violation's continuance shall be considered as a separate offense and shall be separately punishable. These penalties shall not be the exclusive remedy available, and nothing in §§ 220-147 through 220-158 shall prevent an applicant from obtaining injunctive relief.

§ 220-158 Mitigation plan for stormwater management.

A. Standards.

(1) For the purposes of this section, "mitigation" shall incorporate the definition set forth in § 220-148 and shall include situations 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 addition to the requirements set forth in §§ 220-147 through 220-158.

(2) The board having jurisdiction over an application requiring a stormwater management plan shall have the jurisdiction to

grant a waiver from strict compliance with the performance requirements of §§ 220-147 through 220-158 or the stormwater management plan. The waiver may be granted where an applicant has demonstrated the inability or impracticality of strict compliance with §§ 220-147 through 220-158 and/or the stormwater management plan upon the following conditions. The applicant must demonstrate one of the following:

(a) An inability to apply any of the best management practices and methodologies as defined and approved herein and in the stormwater management plan, due to an extraordinary and exceptional situation uniquely affecting the subject property or structures thereon, resulting in a peculiar and exceptional practical difficulty or undue hardship; or

(b) That the purposes of §§ 220-147 through 220-158 and stormwater management plan can be advanced by a deviation from the best management practices and methodologies as defined and approved herein and in the stormwater management plan, where the benefits of such deviation substantially outweigh any detriment.

(3) In requesting a waiver as to any application, the applicant may submit as reasons for the waiver the site conditions of the proposed project, including soils types; thin soil cover; low permeability soils, and/or shallow depths to groundwater (high groundwater levels), unique conditions which would create an unsafe design, or conditions which would provide a detrimental impact to public health, welfare, or safety.

(4) The waiver cannot be granted due to conditions created by the applicant. If the applicant can comply with the requirements of §§ 220-147 through 220-158 and stormwater management plan through reducing the size of a project, the hardship is self-imposed, and therefore the Board lacks jurisdiction to grant any waiver under this section.

(5) The applicant must propose a suitable mitigation method through the submission of a mitigation plan which will conform as closely as possible to the design and performance standards of §§ 220-147 through 220-158, through structural or nonstructural stormwater management measures, governing stormwater quality, quantity, and groundwater recharge. Approval of a waiver or exemption from any one of the three stormwater design standard criteria which include groundwater recharge, water quality, and water quantity provides no guarantee that, if requested, an exemption or waiver will be granted for either or both of the remaining criteria.

(6) Supporting evidence for an exemption or waiver shall be prepared in the form of a stormwater management report which will be signed and sealed by a New Jersey licensed professional engineer. The report shall include at a minimum:

(a) Detailed hydrologic and hydraulic calculations identifying the sizing criteria for each BMP and the stormwater collection system based upon the anticipated peak flow and/or volume.

(b) A map of the planned project showing existing conditions with drainage boundaries and land features, including delineated wetlands, proposed improvements, including all BMPs, grading, utilities, impervious features, and landscaping.

(c) Construction details for each BMP with appropriate contact information.

B. Mitigation criteria. The mitigation requirements listed below offer a hierarchy of options that are intended to offset the effect on groundwater recharge, stormwater quantity control, and/or stormwater quality control to an equal or greater extent than was created by the granting of a waiver or exemption from the stormwater management requirements. The mitigation criteria are listed below in order of preference:

(1) Identify, design, and implement a compensating measure to mitigate impacts. The preferred option is to identify and develop a compensating mitigation project in the same drainage area as the proposed development. In these cases, the applicant will address the same issue within the design and performance standards for which the variance or exemption is being sought, and demonstrate that the proposed mitigating measures provide equal or greater compensation to offset the noncomplying aspect of the stormwater management system on site. The developer must also ensure the long-term maintenance of the project as outlined in Chapters 8 and 9 of the NJDEP Stormwater BMP Manual. If the Township agrees to control a new stormwater management facility, arrangement in the form of an escrow account will be made to stipulate the payment amount, schedule, and long-term responsibilities of the facility to ensure that it functions to capacity.

(2) Complete a project identified by the municipality as equivalent to the environmental impact created by the exemption or variance. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option 1, the mitigation project may provide measures that are not directly equivalent to the impacts for which the variance or exemption is being sought, but that addresses the same issue to an equal or greater extent. For example, if a variance is given because the eighty-percent TSS requirement has not been met, the selected project may address water quality impacts that increase the siltation of a water body within the applicable HUC14 subwatershed.

(a) If these criteria cannot be met on site, the Township has identified the retrofitting of existing basins as the primary mode for mitigation measures to follow. Through clearing

sediment, expanding capacity, or bringing the basin into compliance with water quality standards, mitigation opportunities have the potential to significantly improve stormwater management issues that face Marlboro Township.

(b) As many of the developments in Marlboro were constructed with curb and gutter drainage, stormwater is often funneled and released directly into an adjoining water body. As these methods are contrary to the stormwater management BMPs outlined in the NJDEP's BMP Manual and endorsed through the adoption of the state's new stormwater regulations, the retrofitting of these basins can dramatically improve the Township's existing stormwater management infrastructure. Mitigation projects can utilize a number of BMPs to offset the stormwater management of a project that is unable to comply with the new design standards. However, these BMPs, which may include sand filters, vegetative filters, or the incorporation of a manufactured treatment device, among other possibilities, will be engineered and applied on a site-by-site basis. In general, the engineering necessary to determine the mitigative measure that is most suited for a particular basin is the responsibility of the applicant, and must be determined and submitted by the applicant along with the particular project's site plan. Marlboro has identified locations within the Deep Run watershed where BMPs can be utilized to improve stormwater management and reduce flooding. These locations, which have been identified by catchment area, offer developers specific options such as improving culverts, or upgrading infrastructure to use as mitigative alternatives. Applicants that are seeking waivers for development proposals located within the Deep Run watershed are strongly encouraged to reference the 10 Subwatershed Impact Assessment and Implementation Project Summary Tables that are included within the Identification and Evaluation of Impairments Within the Deep Run Watershed Report. Copies of the aforementioned report are available at the Township Clerk's office.

(3) Provide funding for municipal projects that would address existing stormwater impacts. The third and least preferable stormwater mitigation option is for the applicant to provide funding or partial funding for an environmental enhancement project that has been identified in the municipal stormwater management plan, or towards the development of a regional stormwater management plan. The contributed funds must be equal or greater than the cost to implement the required on-site stormwater measure for which relief is requested including the cost of land, easements, engineering design, and long-term maintenance. However, with this option, Marlboro Township, not the applicant, is ultimately responsible for the design,

property acquisition, construction, construction management, maintenance (short-term and long-term) and follow-up study, unless that project and its prospective costs have been outlined within this mitigation plan. An applicant may also propose a mitigation project on a site that has not been identified in this mitigation plan. However, in each circumstance the selection of a mitigation project must incorporate the following requirements:

(a) The project must be within the same area that would contribute to the receptor impacted by that project. If there is no specific sensitive receptor impacted, then the location of the mitigation project may be located anywhere within the municipality, preferably at a location that would provide the greatest benefit.

(b) Legal authorization must be obtained to construct the project at the location selected. This includes the maintenance and any access needs for the project throughout its operation.

(c) The mitigation project should be located close to the original development project. If possible, the mitigation project should be located at a similar distance from the identified sensitive receptor. This distance should not be based on actual location, but on a similar hydraulic distance to the sensitive receptor. For example, if a project for which a waiver is obtained discharges to a tributary, but the closest location discharges to the main branch of a waterway, it may be more beneficial to identify a location discharging to the same tributary.

(d) It is preferable to have one location that addresses any and all of the performance standards waived, rather than one location for each performance standard.

(e) The project location must demonstrate no adverse impacts to other properties.

(f) For projects addressing the groundwater recharge performance standard, a mitigation project site upstream of the location of the actual project site is preferable to a downstream location.

(g) Mitigation projects that address stormwater runoff quantity can choose to provide storage for proposed increases in runoff volume, as opposed to a direct peak flow reduction.

(h) Mitigation projects that address stormwater runoff quality can choose to address another pollutant other than TSS, which has been demonstrated to be of particular concern, such as streams that have been listed as an impaired water body for other pollutants. However, care must be taken to ensure that waivers that are granted for the TSS requirements do not result in the impairment of an existing unimpaired area.

C. Requirements for mitigation projects.

(1) Whether the applicant is proposing the mitigation project, or Marlboro has identified the project within this mitigation plan, the following requirements for mitigation must be included in the project submission:

(a) Impact from noncompliance. The applicant must provide a table to show the required values, and the values provided in the project, and include an alternatives analysis that demonstrates that on-site compliance was maximized to the greatest extent practicable.

(b) Narrative and supporting information regarding the need for the waiver. The waiver cannot be granted for a condition that was created by the applicant. If the applicant can provide compliance with the stormwater rules through a reduction in the scope of the project, the applicant has created the condition and a waiver cannot be issued. The applicant must provide a discussion and supporting information of the site conditions that would not allow the construction of a stormwater management facility to provide compliance with these requirements, and/or if the denial of the application would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property. The site conditions to be considered are soil type, the presence of karst geology, acid soils, a high groundwater table, unique conditions that would create an unsafe design, as well as conditions that may provide a detrimental impact to public health, welfare, and safety.

(c) Sensitive receptor: identify the sensitive receptor related to the performance standard for which a waiver is sought. Demonstrate that the mitigation site contributes to the same sensitive receptor.

(d) Design of the mitigation project: provide the design details of the mitigation project. This includes, but is not limited to, drawings, calculations, and other information needed to evaluate the mitigation project.

(e) Responsible party. The mitigation project submission must list the party or parties responsible for the construction or maintenance of the mitigation project. Documentation must be provided to demonstrate that the responsible party is aware of, has authority to perform, and accepts the responsibility for the construction and the maintenance of the mitigation project. Under no circumstances shall the responsible party be an individual single-family homeowner.

(f) Maintenance. The applicant must include a maintenance plan that addresses the maintenance criteria at N.J.A.C. 7:8-5 as part of a mitigation plan. In addition, if the maintenance responsibility is being transferred to Marlboro Township, or another entity, the entity responsible for the cost of the maintenance must be identified. Marlboro provides applicants

with the option of conveying the mitigation project to the Township, provided that the applicant funds the cost of maintenance of the facility in perpetuity.

(g) Permits. The applicant is solely responsible to obtain any and all necessary local, state, or other applicable permits for the identified mitigation project or measure. The applicable permits must be obtained prior to the municipal approval of the project for which the mitigation is being sought.

(h) Construction. The applicant must demonstrate that the construction of the mitigation project coincides with the construction of the proposed project. A certificate of occupancy or final approval by the municipality for the application permit cannot be issued until the mitigation project or measure receives final approval. Any mitigation projects proposed by the municipality to offset the stormwater impacts of the Township's own projects must be completed within six months of the completion of the municipal project, in order to remain in compliance with Marlboro's NJPDES General Permit.

(2) In all instances the board having jurisdiction over the application shall have the power to impose additional conditions as may be appropriate under the circumstances of the application. The Board shall make specific findings of fact and conclusions consistent with § 220-147 showing the inability or impracticality of strict compliance with §§ 220-147 through 220-158 and the stormwater management plan and justifying the approval of the applicant's mitigation plan, in order to satisfy the reporting requirements of the municipality's NJPDES permit and other applicable state law requiring the submission of reports to any state or county review agency. The Board shall also have the power to require mitigation as to applications which have received waivers from the New Jersey Department of Environmental Protection.

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

The following Resolution #2021-091/Ordinance #2021-008 (Amending Chapter 220, "Land Use Development", Article III, Zoning Standards and Regulations and Article VI, Zoning: General Administrative and Procedural Provisions by Amending Portions of Section 220-35 D. (24), Entitled "other General Provisions", Section 220-42 Entitled "Private Swimming Wading and Portable Pools", Section 220-43, Entitled "Tennis and Sports Courts" and Section 220-126 Entitled "Certificate of Occupancy") was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-091

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-008

AN ORDINANCE AMENDING CHAPTER 220, LAND USE AND DEVELOPMENT, ARTICLE III, ZONING STANDARDS AND REGULATIONS AND ARTICLE VI, ZONING: GENERAL ADMINISTRATIVE AND PROCEDURAL PROVISIONS BY AMENDING PORTIONS OF SECTION 220-35 D.(24), ENTITLED "OTHER GENERAL PROVISIONS", SECTION 220-42 ENTITLED "PRIVATE SWIMMING WADING AND PORTABLE POOLS ", SECTION 220-43, ENTITLED "TENNIS AND SPORTS COURTS " AND SECTION 220-126 ENTITLED "CERTIFICATE OF OCCUPANCY" OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-008

AN ORDINANCE AMENDING CHAPTER 220, LAND USE AND DEVELOPMENT, ARTICLE III, ZONING STANDARDS AND REGULATIONS AND ARTICLE VI, ZONING: GENERAL ADMINISTRATIVE AND PROCEDURAL PROVISIONS BY AMENDING PORTIONS OF SECTION 220-35 D.(24), ENTITLED "OTHER GENERAL PROVISIONS", SECTION 220-42 ENTITLED "PRIVATE SWIMMING WADING AND PORTABLE POOLS ", SECTION 220-43, ENTITLED "TENNIS AND SPORTS COURTS " AND SECTION 220-126 ENTITLED "CERTIFICATE OF OCCUPANCY" OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Section 220-35D(24), of the Township Code provides guidelines for the grading and clearing of property; and

WHEREAS, it is necessary to amend and update portions of this Section which are applicable to grading and clearing of property; and

WHEREAS, Section 220-42, of the Township Code provides requirements for the installation of a private swimming, wading, and portable pool; and

WHEREAS, Section 220-43, of the Township Code provides requirements for the installation of tennis and sports courts; and

WHEREAS, it is necessary to amend Section 220-42 and 200-43 to be consistent with Section 220-35D of the Township Code regarding grading and clearing of property; and

WHEREAS, Section 220-126, of the Township Code provides requirements for obtaining a certificate of occupancy; and

WHEREAS, it is necessary to amend Section 220-126 in order to ensure consistency with current Township practices regarding certificates of occupancy;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, that the following Sections of the Township Code be and are hereby amended as follows:

SECTION I.

Chapter 220 Land Use and Development

Subsection 220-35D -- Other General Provisions

Subsection 220-35D(24) is amended as follows:

(24) Grading and clearing. The erection of a structure on a lot, the clearing of less than 10 trees over 9 inches in caliper, or the alteration of the existing grade on a lot in which the area of disturbance is less smaller than two acres shall be in accordance with a plan approved by the Township Engineer or his representative and shall meet the requirements set forth in Subsection D(24)(a) through (i), inclusive. The clearing of 10 trees over 9 inches in caliper or more or the alteration of the existing grade on a lot in which the area of disturbance is of two acres or more shall be in accordance with a plan approved by the Planning Board and shall meet the requirements set forth in Subsection D(24)(a) through (i), inclusive. This provision shall not apply to clearing and grading necessary for the construction of one single-family house unless that construction is incidental to an application that is otherwise before the Planning Board or the Zoning Board of Adjustment. All such applications for a single family house are to conform to the requirements of Section 220-23 concerning submission of plot plans.

Subsection 220-35D(24) (a) is amended as follows:

(a) Where possible, land shall be graded so that all stormwater runoff from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with the requirements of the subdivision provisions or as otherwise required by the Township Engineer. There shall be no change in grade within 5 feet of a property line. Furthermore, there shall be no change in grade greater than three feet within 15 feet from the property line. When necessary, a swale shall be created in order to control surface runoff in a manner that will protect abutting lands. All grading shall be subject to inspections by the Township Engineer during, and upon completion of the construction.

Subsection 220-35D(24) (d) is amended as follows:

(d) The minimum slope for lawns shall be $\frac{3}{4}$ 1.5%, and for smooth, hard-finished surfaces other than roadways, $\frac{4}{10}$ 1/2 of 1%.

Subsection 220-35D(24) (g) [1] is amended as follows:

[1] A permit is required prior to the start of construction on any retaining wall over 30 inches tall at its highest point which was not specifically shown on an approved subdivision plan, site plan or plot plan. Each such retaining wall application shall include sealed engineering drawings, including plans, cross-sections material certifications, and design calculations. Engineering drawings and material certification must be obtained prior to the start of construction on any retaining wall (over 2 1/2 feet high at its highest point) which was not specifically shown in detail on preliminary drawings.

Subsection 220-35D(24) (g) [5] is amended by adding:

[d] In addition, in cases where a retaining wall is located close to the edge or edges of a driveway, other barriers such as guide rails may be required, subject to the Engineer's review.

Subsection 220-35D(24) (g) [6] is amended by adding:

[6] Upon completion of the construction of any retaining wall over 30 inches, the owner or developer shall be required to submit a statement from a licensed Professional Engineer certifying that the wall was constructed in accordance with the engineering design.

Subsection 220-35D(24) (g) [7] (j) is amended by adding:

(j) Permit fees

[1] The application fee will be as indicated on the "Application For Grading and Clearing Permit" form.

[2] In addition, plan review fees and performance bonds may be required contingent upon the magnitude of the work proposed.

[3] In addition to engineering fees, fees for retaining walls requiring Construction Department approval are subject to fees as required by the Construction Department fee schedule.

Subsection 220-35D(24) (g) [8] is amended by adding:

(k) Enforcement.

(1) Engineer.

a) The Township Engineer shall enforce the provisions of Section 220-35D(24) et seq., including but not limited to those violations arising out of the failure of any person or entity to apply for and obtain a grading and/or clearing permit. He shall, from time to time, upon his own initiative, or whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of § 84-30 (D) 24 et seq. He shall report all violations to the Township and take any action deemed necessary for proper enforcement.

b) In addition to the above, any law enforcement or code enforcement officer, agent or employee of the Township shall have the right to enter any land where grading and/or clearing operations are being conducted in order to examine and inspect the land and the operations and enforce the provisions of § 84-30(D) 24 , et seq.

Subsection 220-35D(24) (g) [9] is amended by adding:

(1) Revocation of permit. After notice and an opportunity to be heard before the Township Engineer, the permit of any person may be revoked or suspended for such period as the Township Engineer may determine for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this section or any director or officer of a corporation who participates in a violation of this section shall, upon conviction thereof, be subject to a maximum fine of \$5,000.00, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

Subsection 220-35D(24) is amended by adding:

(j) All soil removal, fill material, and/or topsoil shall conform to all requirements of Section 220-183 Soil Removal/Filling.

SECTION II.

Chapter 220 Land Use and Development

Subsection 220-42 -- Private Swimming Wading and Portable Pools

Subsection 220-42B(3)(f), is hereby amended as follows:

(f) There shall be no change in existing grade which raises the elevation of the lot within five feet of a property line. Furthermore, there shall be no change in existing grade which raises any portion of the lot more than three feet above the existing ground level at a point 15 feet from the property line. When necessary, a swale shall be created in order to control surface waters in a manner that will protect abutting lands. For retaining walls which exceed 3.5 feet in height above the natural grade, material certifications and engineering drawings shall be required to ensure durability and stability, provided that for each six inches in height above the natural grade a retaining wall shall be set back two feet from the property line to which it is adjacent. Distances from property lines shall be measured at right angles to straight portions and radial to curved portions. Retaining walls shall be in accordance with requirements of § 220-35D(24)(g). Fill Materials and topsoil shall conform to all requirements of Section 220-183.

SECTION III.

Chapter 220 Land Use and Development

SECTION 22-43 Tennis and Sports Courts

Subsection 220-43F(5) is hereby amended as follows:

(5) There shall be no change in existing grade which raised the elevation of the lot within five feet of a property line. Furthermore, there shall be no change in existing grade which raises any portion of the lot more than three feet above the existing ground level at a point 15 feet from the property line. When necessary, a swale shall be created in order to control surface waters in a manner that will protect abutting lands. For retaining walls which exceed 3.5 feet in height above the natural grade, material certifications and engineering drawings shall be required to ensure durability and stability, provided that for each six inches in height above the natural grade a retaining wall shall be set back two feet from the property line to which it is adjacent. Distances from property lines shall be measured at right angles to straight portions and radial to curved portions. Retaining walls shall be in accordance with requirements of § 220-35D(24)(g). Fill Materials and topsoil shall conform to all requirements of Section 220-183.

Subsection 220-43F(6) is hereby amended as follows:

(6) Upon installation of the tennis or sports court, and prior to final grading and final utility work, an as-built plan shall be submitted to the Engineering Department to verify the location of the court. No further inspections will be performed by any Township Department until this plan is received.

(6) (7) A plan review fee of \$100 and an inspection fee of \$150 shall be paid with the zoning application.

(7) (8) In addition, any sidewalk curbing or pavement to Township right-of-way damaged during construction must be replaced to the satisfaction of the Municipal Engineer prior to issuance of the certificate of occupancy. Sidewalk construction shall conform to §§ 220-178 and 220-146C of this chapter. Curb construction shall conform to § 220-146 of this chapter and pavement construction shall conform to Subsection O of § 220-184 of this chapter.

(8) (9) In addition, ground cover (grass, sod, etc.) disturbed by the construction and/or accessory construction must be restored to the satisfaction of the Municipal Engineer prior to the issuance of the certificate of occupancy.

SECTION IV.

Chapter 220 Land Use and Development

SECTION 220-126 -- Certificate of Occupancy

Subsection 220-126E(10) is amended to read as follows:

(10) Street signs and traffic control devices. All street signs and/or traffic control devices, including all pavement markings affecting the proposed lot, building or use and required under the terms of site plan approval or tentative approval of a preliminary plat or by federal, state, county or municipal rules, regulations or laws shall have been installed.

Subsection 220-126E is amended by adding the following:

(11) All fencing, including those required around or on all stormwater facilities or structures, retaining walls, property lines as required by approved plans, and around all trash disposal containers shall be completely installed prior to the first certificate of occupancy for a residential dwelling or unit, or prior to the first certificate of occupancy for a non-residential building in the development.

(12) All retaining walls shall be completely constructed. For each retaining wall over 2½ feet at its highest point, a certification from a licensed Professional Engineer regarding the soundness and stability of the wall construction is required.

(13) A signed and sealed final survey or as-built plan for each property per the requirements Section 220-23 and Section 220-30 is required and shall be subject to review and approval by the Engineer, Zoning Officer and Construction Code Official.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance shall be provided to each of the following:

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Township Engineer
- d. Louis Rainone

The following Resolution #2021-092/Ordinance #2021-009 (Appropriating \$205,000 Grant to be Received by the Township for Improvements to Union Hill Road) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-092

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-009

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$205,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO UNION HILL ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-009

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY,

APPROPRIATING A \$205,000 GRANT TO BE RECEIVED
BY THE TOWNSHIP FOR IMPROVEMENTS TO UNION HILL
ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a
majority of all members thereof affirmatively concurring), AS
FOLLOWS:

Section 1. The \$205,000 grant expected to be received
by the Township from the State of New Jersey Department of
Transportation FY 2021 Municipal Aid Program is hereby
appropriated for the purpose of providing funds for improvements
to Union Hill Road, including all work and materials necessary
therefor and incidental thereto.

Section 2. The capital budget or temporary capital
budget, as applicable, of the Township is hereby amended to
conform with the provisions of this ordinance to the extent of
any inconsistency herewith. In the event of any such
inconsistency and amendment, the resolution in the form
promulgated by the Local Finance Board showing full detail of
the amended capital budget or temporary capital budget, as
applicable, and capital program as approved by the Director of
the Division of Local Government Services is on file with the
Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in
accordance with law.

The following Resolution #2021-093/Ordinance #2021-010
(Appropriating \$270,374 Received by the Township for Open Space
Acquisition) was introduced by reference, offered by Council Vice
President Metzger, seconded by Councilwoman Marder and passed on
a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-093

BE IT RESOLVED, by the Township Council of the Township of
Marlboro that an Ordinance entitled:

ORDINANCE #2021-010

AN ORDINANCE APPROPRIATING \$270,374 FOR THE ACQUISITION
OF OPEN SPACE IN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-010

AN ORDINANCE APPROPRIATING \$270,374 FOR THE ACQUISITION
OF OPEN SPACE IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township received funds from the State Agricultural Development Committee for the preservation of farmland; and

WHEREAS, the funds were deposited in the Open Space, Recreation, Farmland and Historic Preservation Trust Fund of the Township; and

WHEREAS, the Township desires to use these funds for the acquisition of farmland and open space parcels included on the Township's Target Farms List and in its Open Space and Recreation Plan.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth that a sum of \$270,374 is hereby appropriated from the Township's Open Space, Recreation, Farmland and Historic Preservation Trust Fund for the acquisition of farmland and open space.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2021-094/Ordinance #2021-011 (Providing for Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-094

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2021-011

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on March 4, 2021 at 7:00 p.m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-011

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$195,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the

Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or the Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and/or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease

to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor:

RESOLUTION #2021-095

RESOLUTION AUTHORIZING TRANSFER
OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2020 Municipal Budget) as follows:

CURRENT:		
Account	From	To
(2020) Clerk's Office Salaries & Wages	\$ 30,000.00	
(2020) Telephone Other Expenses	5,000.00	
(2020) Employee Insurance Other Expenses	150,000.00	
(2020) Police Salaries & Wages	500,000.00	
(2020) Employer's Portion FICA	120,000.00	
(2020) Snow Removal Other Expenses		\$ 300,000.00
(2020) Accumulated Absences		500,000.00
(2020) Water Other Expenses		5,000.00
	\$ 805,000.00	\$ 805,000.00

RESOLUTION #2021-096

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS

FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO THE WINTER
STORM STATE OF EMERGENCY DECLARATIONS BY THE GOVERNOR OF
DECEMBER 16, 2020 and JANUARY 31, 2021 PURSUANT TO
N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on December 16, 2020, New Jersey Governor Phil Murphy declared a State of Emergency in anticipation of Winter Storm Gail; and

WHEREAS, on January 31, 2021, New Jersey Governor Phil Murphy declared a State of Emergency in anticipation of Winter Storm Orlena; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the winter storms posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township employed the services of existing contract vendors or those holding state or cooperative contracts to provide the necessary goods and services related to the storm response; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$401,900.00 from various operating, capital and trust accounts; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that various emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the December 16, 2020 and January 31, 2021 State of Emergency declarations for Winter Storms Gail and Orlena.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Chief Financial Officer

SCHEDULE A

HERC RENTALS INC.	15,900
TRI COUNTY TURF, LLC	200,070
L.J. PESCE LLC	86,640
Chemical Equipment Labs of DE, Inc.	69,190
WESTERN MONMOUTH UTIL. AUTH.	28,910
	400,710

RESOLUTION #2021-097

A RESOLUTION AWARDING CONTRACT FOR THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro initially authorized the acceptance of bids for THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (2020-14), and on November 17, 2020, received one (1) bid; and

WHEREAS, on December 17, 2020 (R.2020-318) the Township Council rejected the bid received due to the fact that it was significantly more than the budgeted cost; and

WHEREAS, the Township of Marlboro once again authorized the acceptance of bids for THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on February 9, 2021, received one (1) bid; and

WHEREAS, the bid received is summarized as follows:

		On Site Landscape Management PO Box 294 Millstone, NJ 08535
Item No.	Description	Annual Cost
1	Table 1A and 1B - Municipal Right-of-Ways and Open Space	100,207.00

2	Table 2A - Existing Stormwater Management Basins	120,317.00
3	Table 2B - Pending Stormwater Management Basins	2,496.00
4	Section 6 - Marlboro Country Park	12,893.00
5	Section 7 - Costco Commuter Lot Islands	1,074.00
	Total	236,987.00
OPT.	Playground Safety Surfacing Material - Price per Cubic Yard	65.00

; and

WHEREAS, it has been determined that the submission of the apparent lowest bidder for THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, ON SITE LANDSCAPE MANAGEMENT is responsive; and

WHEREAS, in a memo dated February 10, 2021 the Director of Public Works has recommended the award of contract to ON SITE LANDSCAPE MANAGEMENT for items 1 through 5 and the option of 200 cubic yards of playground safety surfacing material; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to ON SITE LANDSCAPE MANAGEMENT whose address is P.O. Box 294, Millstone, NJ 08535 for THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$249,987.00 for an initial term beginning on March 1, 2021 and ending on February 28, 2021, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify funds in the amount of \$249,987.00 for the aforesaid contract in Current Fund Accounts 01-201-26-122-288310, 01-201-28-123-288101 and 01-201-28-123-292120, Open Space Trust Fund Account 21-228-55-059 and Recreation Utility Operating Account 09-201-55-400-288452 at the time services are required and upon adoption of the 2021 municipal budget.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with ON

SITE LANDSCAPE MANAGEMENT, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. ON SITE LANDSCAPE MANAGEMENT
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION #2021-098

A RESOLUTION AWARDING CONTRACT TO McCloskey Mechanical Contractors, Inc. FOR HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on February 10, 2021, received five (5) bids; and

WHEREAS, the five (5) bids received are summarized as follows:

Bidder	Total (Item 14)
Mid-Atlantic Service 360 Inc. 1550 Rike Drive Millstone, NJ 08535	54,873.00
Crystal Air Associates, Inc. 6 Ryan Road Marlboro, NJ 07746	42,950.00
Air Systems Maintenance, Inc. 718 Jefferson Ave Kenilworth, NJ 07033	54,294.00
McCloskey Mechanical Contractors, Inc. 445 Lower Landing Rd Blackwood, NJ 08012	37,267.00
Dash Mechanical LLC 613 Preston Street Brick, NJ 08723	46,789.00

* Calc Error \$53,006	

; and

WHEREAS, the submission of the apparent lowest bidder, McCloskey Mechanical Contractors, Inc. is responsive as detailed in the February 11, 2021 memo from the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to McCloskey Mechanical Contractors, Inc. whose address is 445 Lower Landing Rd Blackwood, NJ 08012 for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$37,267.00 for a term of one year beginning on March 1, 2021, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with McCloskey Mechanical Contractors, Inc., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$31,055.83 representing the 2021 portion of the contract have been certified by the Chief Financial Officer in Account #01-201-26-122-276.

BE IT FURTHER RESOLVED that funds for the 2022 portion of the contract in the amount of \$6,211.17 will be certified by the Chief Financial Officer upon adoption of the 2022 Municipal Budget.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. McCloskey Mechanical Contractors, Inc.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION #2021-099

A RESOLUTION AUTHORIZING CONTRACT WITH Griffith-Allied Trucking, LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain said fuel from Griffith-Allied Trucking, LLC; and

WHEREAS, in a memo dated February 5, 2021 Director of Public Works has recommended that the Township purchase said fuel from Griffith-Allied Trucking, LLC under State Contracts #19-FLEET-00978 and #19-FOOD-01105 in an amount not to exceed \$700,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

WHEREAS, funds will be certified by the Chief Financial Officer in Current Account #01-201-31-168-238 at the time of order.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with Griffith-Allied Trucking, LLC whose address is 25 OLD CAMPLAIN ROAD, HILLSBOROUGH, NJ 08844 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105 in an amount not to

exceed \$700,000.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Griffith-Allied Trucking, LLC
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-100

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF ABERDEEN IN CONNECTION WITH IMPROVEMENTS TO ROADWAYS PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Township of Marlboro ("Marlboro") has planned road and drainage improvements throughout the Township as part of its 2020 Capital Improvement Program; and

WHEREAS, the Township of Aberdeen ("Aberdeen") has planned road and drainage improvements throughout the Township as part of its 2020 Capital Improvement Program; and

WHEREAS, Marlboro has plans to improve Greenwood Road, streets which straddles the Marlboro border and are need of road and drainage improvements; and

WHEREAS, Aberdeen has expressed interest in having the work required on Greenwood Road on both sides of the Aberdeen-Marlboro completed under a single contract; and

WHEREAS, the Township Engineer has reviewed the scope of work and recommends coordinating the road and drainage repairs under a single contract in order to complete the improvements in the most efficient and cost-effective manner possible; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Townships of Aberdeen and Marlboro are public bodies corporate and politic of the State of New Jersey and are

authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, Marlboro has agreed to conduct the necessary road and drainage repairs, and Aberdeen has agreed to pay a portion of the cost associated with the road and drainage improvements estimated at \$53,112.75; and

WHEREAS, Aberdeen and Marlboro desire to enter into a Shared Services Agreement to set forth the operational and financial terms of the work to be performed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement for road and drainage improvements.
3. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

RESOLUTION #2021-101

RESOLUTION AUTHORIZING UNEXPENDED 2020 BALANCES BUDGETED
FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE
ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$501,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$501,000.00 of unexpended 2020 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION #2021-102

RESOLUTION AUTHORIZING UNEXPENDED 2020 BALANCES BUDGETED
FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL
RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of past winter seasons in which the Township utilized an extraordinary amount of resources in order to maintain the safety of the roadways, it is recommended that the Township transfer \$900,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$900,000.00 of unexpended 2020 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION #2021-103

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2021 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2020 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2021 pursuant to the provisions of N.J.C.A. 40A 4-20

(Chapter 96, P.L.1951 as amended) including this resolution total: \$25,194,851.59 for the municipal budget, \$6,626,469.69 for the operations of the water utility, and \$725,181.26 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2021 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2021-104

RESOLUTION ADOPTING A TEMPORARY CAPITAL BUDGET
CALENDAR YEAR 2021

WHEREAS, the Township of Marlboro, County of Monmouth, desires to establish a 2021 Temporary Capital Budget to permit various capital improvements,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

SECTION 1.

The 2021 Temporary Capital Budget for Township of Marlboro is hereby constituted as follows:

Project Title	Estimated 2021 Cost	Capital Improvement Fund	Debt Authorized
<u>General Capital</u>			
Bldg Improvements	1,127,101.02	56,355.05	1,070,745.97
Equipment-DPW	112,200.00	5,610.00	106,590.00
Equipment-Police Dept	268,602.72	13,430.14	255,172.58
MIS Equipment	393,239.57	19,661.98	373,577.59
Office Equipment	18,360.00	918.00	17,442.00
Park Improvements	264,885.84	13,244.29	251,641.55
Street Improvements and Resurfacing	2,723,401.02	136,170.05	2,587,230.97
Vehicles-Ambulance	239,700.00	11,985.00	227,715.00
Vehicles-DPW	679,830.00	33,991.50	645,838.50
Vehicles-Police Dept	69,196.80	3,459.84	65,736.96
	5,896,516.97	294,825.85	5,601,691.12
<u>Water Capital</u>			
Bldg Improvements	255,000.00		255,000.00
Equipment-Water	51,000.00		51,000.00
Water System Improvements	1,621,800.00		1,621,800.00
Water Tank Upgrade or Rehab	1,836,000.00		1,836,000.00
	3,763,800.00	-	3,763,800.00
<u>Recreation Capital</u>			
Swim Club Improvements	624,240.00		624,240.00
	624,240.00	-	624,240.00

SECTION 2.

The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.

The aforementioned capital projects shall be included in the 2021 Permanent Capital Budget as adopted.

RESOLUTION #2021-105

RESOLUTION OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY RESCINDING RESOLUTION 2021-066 AND REDUCING A SPECIAL EMERGENCY APPROPRIATION PREVIOUSLY MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M) FROM \$1,900,000 TO \$700,000

WHEREAS, on December 17, 2020, the Township of Marlboro, in the County of Monmouth, New Jersey (the "*Township*") finally adopted Ordinance #2020-015 (the "*Ordinance*"), authorizing a special emergency appropriation in the amount of \$1,900,000 to provide for a deficit in operations experienced by the Township during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$1,900,000, pursuant to N.J.S.A. 40A:4-53(m) (the "*COVID19 Special Emergency Appropriation*"); and

WHEREAS, the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey approved the Township's COVID19 Special Emergency Appropriation in the amount of \$1,900,000 in accordance with the provisions of N.J.S.A. 40A:4-53; and

WHEREAS, on December 17, 2020, the Township finally adopted Resolution #2020-327 (the "*Note Resolution*"), authorizing the issuance of not to exceed \$1,900,000 of Special Emergency Notes to fund the COVID19 Special Emergency Appropriation; and

WHEREAS, upon the close of the 2020 fiscal year, the Township reduced the COVID19 Special Emergency Appropriation by \$1,298,000, from \$1,900,000 to \$602,000, and canceled such amount of the COVID19 Special Emergency Appropriation, via Resolution 2021-066; and

WHEREAS, the Township desires to rescind Resolution 2021-066 and revise the reduction of the Special Emergency to \$1,200,000, from \$1,900,000 to \$700,000;

WHEREAS, the Township further desires to reduce the amount of Special Emergency Notes authorized by the Note Resolution by \$1,200,000, from \$1,900,000 to \$700,000.

BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The recitals to this resolution are incorporated as if set forth in full herein.

Section 2. The Township hereby reduces the COVID19 Special Emergency Appropriation by \$1,200,000, from \$1,900,000 to \$700,000, and the Township hereby cancels such \$1,200,000 of such COVID19 Special Emergency Appropriation. The Ordinance is hereby amended as necessary to reflect the reduction/cancellation authorized hereby.

Section 3. The Township hereby further reduces the amount of Special Emergency Notes authorized by \$1,200,000, from \$1,900,000 to \$700,000. The Note Resolution is hereby amended as necessary to reflect the reduction authorized hereby.

Section 4. This resolution shall take effect in accordance with applicable law.

RESOLUTION #2021-106

A RESOLUTION AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, on April 16, 2015 (Ordinance #2015-5) the Township Council of the Township of Marlboro authorized the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on March 2, 2017 (Resolution #2017-110) the Township Council of the Township of Marlboro authorized another the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on May 2, 2019 (Resolution #2019-165) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, the Township Police Department wishes to extend the Single Site License Agreement with Diamond Towers for an additional

one (1) year renewal term for compensation in the amount of five thousand one hundred twenty-three and eighty-eight cents (\$5,123.88); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with Diamond Towers for a period of one year through December 31, 2019; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Diamond Towers in accordance with the Ordinance, this resolution, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds are available in Current Account #01-201-25-212-216212 in an amount not to exceed \$5,123.88; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Diamond Towers II LLC
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION #2021-107

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS
MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT
OF DEFENSE (DoD) 1033 PROGRAM FOR THE MARLBORO
DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Township Council authorized the Township through the Division of Police (R.2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Chief of Police
- c. Chief Financial Officer
- d. Insurance

RESOLUTION #2021-108

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO BASKETBALL BOOSTER CLUB, INC. ("BOOSTER CLUB") FOR THE PROVISION OF REFEREEING SERVICES, LEAGUE REGISTRATION, AND SCOREKEEPERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION BASKETBALL PROGRAM

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides services on behalf of the residents who register for the basketball program to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are in need of refereeing and scorekeeper services for the 2021/2022 Fall/Winter basketball seasons; and

WHEREAS, the Township of Marlboro Department of Recreation must register basketball program participants with various regional leagues; and

WHEREAS, the BOOSTER CLUB has proposed to provide refereeing and scorekeeper services for the 2021/2022 Fall/Winter basketball seasons and ensure the registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2021/2022 are estimated based upon the 2019/2020 seasons at and shall not exceed \$26,100.00 in the aggregate; and

WHEREAS, payments by the Township for such services are made following the submission of detailed records and

confirmation of payments made by the Booster Club for such services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Recreation Utility Accounts # 09-201-55-400-285402 and 09-201-55-400-288402.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to enter into an agreement, in a form acceptable to the Township Attorney with the MARLBORO BASKETBALL BOOSTER CLUB, INC. for the services described above.

RESOLUTION #2021-109

RESOLUTION AUTHORIZING AGREEMENT WITH THE MSA BOOSTERS, INC. ("BOOSTER CLUB") FOR THE PROVISION OF REFEREEING AND LEAGUE REGISTRATION SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION SOCCER PROGRAM

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides services on behalf of the residents who register for the soccer program to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation is in need of refereeing services for the 2021 Spring and Fall soccer seasons; and

WHEREAS, the Township of Marlboro Department of Recreation must register soccer program participants with various regional leagues; and

WHEREAS, the BOOSTER CLUB has proposed to provide refereeing services for the 2021 Spring and Fall soccer seasons and ensure the registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2021 are estimated based upon the 2020 season at and shall not exceed \$124,293.00 in the aggregate; and

WHEREAS, payments by the Township for such services are made following the submission of detailed records and confirmation of payments made by the Booster Club for such services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Recreation Utility Accounts # 09-201-55-400-285409 and # 09-201-55-400-296409.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Municipal Clerk to enter into an agreement with the BOOSTER CLUB, P.O. Box 436, Marlboro, New Jersey 07746 for the services described above.

RESOLUTION #2021-110

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO DOT DESIGNING LLC FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on April 11, 2019 (R.2019-158) the Municipal Council of the Township of Marlboro awarded a contract to DOT DESIGNING LLC for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO (#2019-10); and

WHEREAS, the bid specifications included the option to renew said contract for one two-year, or two one-year extensions on the same terms and conditions as specified in the bid proposal; and

WHEREAS, on March 19, 2020 (R.2020-122) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated February 11, 2021, the Recreation Director has recommended that the Township approve a second and final one (1) year extension of the contract; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract extension be awarded to DOT DESIGNING LLC whose address is 242 Possum Hollow Road, Monroe Township, NJ 08831 for a period of one (1) year beginning on May 1, 2021 and ending on April 30, 2022, in a total amount not to exceed \$77,103.57; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract extension form with DOT DESIGNING LLC in accordance with this resolution,

the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$77,103.57 are available for the aforesaid contract in Recreation Utility Account 09-201-55-400-266 and Current Accounts 01-201-20-030-266, 01-201-20-092-266, 01-201-20-083-266, 01-201-25-106-266, 01-201-26-121-266, 01-201-27-134-266 and 01-201-20-140-266; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DOT DESIGNING LLC
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

RESOLUTION #2021-111

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO CORE & MAIN LP
(formerly WATER WORKS SUPPLY CO., INC.) FOR THE SUPPLY OF WATER
DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on January 17, 2019 (R.2019-061) the Municipal Council of the Township of Marlboro awarded a contract to WATER WORKS SUPPLY CO., INC. for the SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the Township was notified in a letter dated October 6, 2020 (attached) that WATER WORKS SUPPLY CO., INC had been purchased by CORE & MAIN LP, and that CORE & MAIN LP has agreed to adhere to the terms of all existing WATER WORKS SUPPLY CO., INC contracts; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated January 29, 2020, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

WHEREAS, in a memo dated February 10, 2021, the Director of Public Works has recommended that the Township approve an

additional one (1) year renewal of the contract; and

WHEREAS, the Marlboro Township Council desires to accept the recommendation as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the contract with CORE & MAIN LP (formerly WATER WORKS SUPPLY CO., INC.) whose address is 1830 Craig Park Court, St Louis, MO 63146 be extended and renewed for a period of one year beginning March 1, 2021 to February 28, 2022, in an amount not to exceed \$167,587.39.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$75,000.00 are available for the aforesaid contract in Water Operating Account #05-201-55-500-251020, with additional amounts as required to be certified at the time of order.

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify funds for the remaining 2022 portion of the contract upon adoption of the 2022 water utility operating and capital budgets.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. WATER WORKS SUPPLY CO., INC.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-112

TAX EXEMPTION

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A",

WHEREAS, pro-rated 2020 property taxes totaling \$777.62 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$777.62 for 2020 taxes.

RESOLUTION #2021-113

TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$5,912.72 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
132/20.05	Delpesh, Curtis & Phillips, Orleese 106 Haven Way Morganville, NJ 07751	5,912.72

At 6:36 p.m., Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 4, 2021

OFFERED BY: Marder

AYES: 5

SECONDED BY: Metzger

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
030421

JEFF CANTOR,
COUNCIL PRESIDENT