## MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 13, 2023

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

## ROLL CALL

**Present-** Mayor Magazzu, Council President Bodanza, Councilman Epifanio, Councilman McHenry, Councilman Reid.

**Also Present-** Solicitor, Justin Strasser, CFO, Alex Davidson, Chief of Police, Louis Bordi Property Maintenance / Animal Control, Josh Shellenberger, Township Engineer / Public Works Director, Chuck Riebel

**Absent-** Councilman McHenry

## Departmental Reports

Nothing new to report.

## SECOND READING PUBLIC HEARING ORDINANCE 2023-1 AN ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.

**BE IT ORDAINED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey as follows:

SECTION 1: That the following named officers and employees of the Township of Berlin, Camden County, New Jersey shall be paid within the following salary ranges for the calendar year 2023 as follows:

| | **ANNUAL SALARY RANGE (Except as Noted)** | |
|---|---|---|
| **POSITION** | **FROM** | **TO** |
| Mayor | $0.00 | $75,000.00 |
| President of Council | $0.00 | $10,900.00 |
| Councilperson | $0.00 | $8,100.00 |
| Township Clerk | $0.00 | $78,300.00 |
| Coordinator on Aging/Disabled | $0.00 | $700.00 |
| Chief Financial Officer (Shared Service) | $0.00 | $32,800.00 |
| Finance Clerk (Part-time) | $0.00 per hour | $20.00 per hour |
| Finance Clerk (Full-time) | $0.00 | $42,300.00 |
| Tax Collector | $0.00 | $70,000.00 |
| Tax/Sewer Clerk | $0.00 | $41,200.00 |
| Tax Assessor | $0.00 | $25,800.00 |
| Director of Public Works/Township Engineer w/C-2 Wastewater License | $0.00 | $184,400.00 |
| Building Custodian/Property Maintenance/Zoning Officer/Board of Health Inspector | $0.00 | $56,700.00 |
| Construction Code Official/Building Inspector | $0.00 | $34,600.00 |
| Electrical Sub Code Official/Electrical Inspector | $0.00 | $14,000.00 |
| Emergency Management Coordinator | $0.00 | $3,200.00 |
| 1st Deputy Emergency Management Coordinator | $0.00 | $600.00 |
| Prosecutor | $0.00 | $13,800.00 |
| Deputy Public Works Director | $0.00 | $84,500.00 |
| Recreation Coordinator (Not to exceed 10 hours per week) | $0.00 per hour | $16.50 per hour |
| Recreation Coordinator/Special Events | $0.00 | Minimum wage |
| Librarian | $0.00 | $16.50 per hour |
| Municipal Judge | $0.00 | $26,600.00 |
| Municipal Court Administrator | $0.00 | $77,300.00 |
| Animal Control Officer | $0.00 per month | $600.00 per month |
| Assistant Township Clerk (w/Registrar Certification) | $0.00 | $42,300.00 |
| Engineering Technician | $0.00 | $63,400.00 |
| Public Works/Engineering Clerk | $0.00 | $42,300.00 |
| Administrative Secretary to Land Use (With Registrar Certification) | $0.00 | $59,800.00 |

| | | |
|---|---|---|
| Fire Sub-Code Official | $0.00 | $8,000.00 |
| Plumbing Inspector | $0.00 | $6,400.00 |
| Property Maintenance Inspector - PT (not to exceed 8 hours per week) | $0.00 per hour | $18.02 per hour |
| Police Department - Clerk Typist | $0.00 | $42,300.00 |
| Crossing Guards | $0.00 per hour | $16.50 per hour |
| Temporary Clerk Typist | $0.00 per hour | $16.50 per hour |
| Emergency Event Temporary Public Works Laborer | $0.00 per hour | $25.50 per hour |
| Emergency Event Temporary Mechanic | $0.00 per hour | $30.00 per hour |
| Bus Driver | $0.00 per hour | $25.00 per hour |
| Clerk Typist - PT to Include Library Clerk | $0.00 per hour | $16.50 per hour |
| Deputy Court Administrator | $0.00 | $42,300.00 |
| Court Recorder Operator | $0.00 per Court | $87.00 per Court |
| Temporary Court Assistant | $0.00 per court | $125.00 per Court |
| Sewer Clerk | $0.00 | $5,200.00 |
| Student Clerk Typist | Minimum wage | Minimum wage |
| Chief of Police | $0.00 | $140,000.00 |
| Lieutenants of Police | $0.00 | $111,500.00 |
| Sergeants of Police | $0.00 | $106,000.00 |
| Date of Hire without Certification | $0.00 | $36,600.00 |
| Date of Hire with Certification or Police Academy Graduation | $0.00 | $50,200.00 |
| Beginning of Second Year | $0.00 | $53,900.00 |
| Beginning of Third Year | $0.00 | $58,200.00 |
| Beginning of Fourth Year | $0.00 | $65,600.00 |
| Beginning of Fifth Year | $0.00 | $72,900.00 |
| Beginning of Sixth Year | $0.00 | $80,200.00 |
| Beginning of Seventh Year | $0.00 | $87,500.00 |
| Beginning of Eighth Year | $0.00 | $99,300.00 |
| PT Class II SLEO Officer | $0.00 per hour | $32.00 per hour |
| PT Class II SLEO Officer (School Security) | $0.00 per hour | $40.00 per hour |
| Traffic & Other Services | $0.00 per hour | $75.00 per hour |
| Traffic & Other Services (Township Projects) | $0.00 per hour | $50.00 per hour |
| Employees of Public Works Department | $0.00 per hour | $40.00 per hour |
| Employees of Public Works Department (Temporary) | $0.00 per hour | $25.00 per hour |
| Sewer Department Standby | $0.00 per month | $225.00 per month |
| Special Assignments Stipend | $0.00 | $12,000.00 |

Motion by Council President Bodanza, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2023-1

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No comments were to be heard.

Motion by Councilman Epifanio second by Council President Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2023-1

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Motion by Council President Bodanza second by Councilman Reid to adopt Ordinance 2023-1. Ordinance approved by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2023-2 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

**WHEREAS**, the Mayor and Council of the Township of Berlin in the County of Camden finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.0 % increase in the budget for said year, amounting to $85,108.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED,** by the Mayor and Council of the Township of Berlin, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Berlin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $297,881.36, and that the CY 2023 municipal budget for the Township of Berlin be approved and adopted in accordance with this ordinance; and,

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

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

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

Motion by Council President Bodanza, second by Councilman Reid to adopt Ordinance 2023-2 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2023-3 ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 289 OF THE TOWNSHIP CODE ENTITLED "STREETS AND SIDEWALKS"**

**WHEREAS,** the Township of Berlin ("Township") is a municipal entity organized and existing under the law of the State of New Jersey and located in Camden County; and

**WHEREAS,** Chapter 289, Article I of the Code of the Township of Berlin sets forth rules and regulations concerning street openings within the Township; and

**WHEREAS,** the Township has determined that there should be additional regulations concerning street openings within the Township, including a five-year moratorium and pavement restoration; and

**WHEREAS**, the Mayor and Council deem it advisable to amend Chapter 289 of the Township Code to reflect these additional regulations.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Section 289-6 of the Code of the Township of Berlin entitled "Commencement of work; construction requirements; defective work." is hereby revised and amended to provide as follows:

**§ 289-6 Commencement of work; construction requirements; defective work.**

A. [No Changes]

B. [No Changes]

C. [No Changes]

D. Any openings within any pavement in the Township five (5) years or less in age will require the respective utility company to: (1) mill and overlay the full width and length of the block, where it is street pavement; and (2) remove and replace, where it is concrete improvements, for the entire length of the side of the street where the opening is created.

E. If the applicant intends to open the street, resulting in two or more trench pavement restoration areas (existing and proposed) from street openings within the half-width of the street (curbline or edge of pavement to the physical center line of the street) or four or more trench pavement restoration areas (existing and proposed) from street openings within the full width of the street (existing and proposed) of any sizes, with any fifty-foot-long segment of the street, the applicant must mill the pavement one and one-half (1.5) inches thick and overlay with surface course, from one foot before the beginning of the first opening to one foot past the end of the last opening. If the openings, within the half-width of the street, extend past the physical center line of the street, the applicant will be required to extend the limits of mill and overlay to one foot past the edge of any opening, which is farthest from the center line of the street, or to the opposite curbline if the openings extend more than twenty-five percent (25%) into the other half-width of the street. If the distance between the above-mentioned, required limits of mill and overlay areas are less than two hundred (200) feet apart, the applicant will be required to mill and overlay the undisturbed pavement area, which is between the mill and overlay areas containing the openings,. The applicant will be required to mill and overlay the half-width of a segment of the street, which contains a longitudinal street pavement restoration area from street openings, of any width and longer than twenty (20) feet, one (1) foot before the beginning of the trench to one (1) foot past the end of the trench. If the distance between any longitudinal opening is within two hundred (200) feet of any other trench pavement restoration area from the street openings. The overlay shall be consistent with the profile and cross slope of the adjacent portions of the existing street pavement, resulting in a smooth and even rideable surface and no ponding within the pavement overlay surface. Prior to constructing the surface course, the applicant shall be responsible for the adjusting and arranging of all facilities, such as manholes, inlets, utility boxes, etc., so that they will be consistent with the surface of the overlay pavement. Tack coat shall be applied to the surface of the milled pavement, immediately, before the construction of overlay pavement.

F. Whenever any opening falls within the limits of a driveway apron and/or the sidewalk behind the apron, the entire driveway apron and/or sidewalk shall be replaced with concrete, conforming to the respective Township standards, for the entire limits of the driveway apron and/or sidewalk.

G. Whenever an opening or multiple openings fall within more than one section of sidewalk (a section, typically, being four feet long with transverse joints at each end) along the frontage of a property or separated by less than fifty (50) feet on separate properties, the entire sidewalk along the frontage of the property or properties shall be replaced with concrete sidewalk, conforming to the respective Township standards.

H. Whenever openings fall within more than one section of concrete curb (a section being joint to joint) within the frontage of a property or separated by less than one hundred (100) feet on separate properties, the entire curb along the frontage of the property or properties shall be replaced with concrete curb, conforming to the respective Township standards.

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 289 of the Code of the Township of Berlin shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5**: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Council President Bodanza, second by Councilman Epifanio to adopt Ordinance 2023-3 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2023-4 AN ORDINANCE AMENDING CHAPTER 200, LAND USE AND DEVELOPMENT, AND CHAPTER 340, ZONING, OF THE CODE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY.**

**WHEREAS,** the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Berlin implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

**WHEREAS**, the Township previously adopted Ordinance 2021-3, which amended the Township Code as it related to Stormwater Control in non-Pinelands areas; and

**WHEREAS,** the Pinelands Commission amended the stormwater regulations contained in the Pinelands Comprehensive Management Plan, effective January 18, 2022.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berlin, County of Camden and State of New Jersey, as follows:

**SECTION 1:** Chapter 200, Article XVIII entitled, "Stormwater Control for Nonresidential Development" is hereby repealed in its entirety.

**SECTION 2:** Chapter 200, Land Use and Development, is hereby amended by establishing Article XVIIIB entitled "Stormwater Control in Pinelands Area," as follows:

**Article XVIIIB. Stormwater Control in Pinelands Area**

**§200-145.20. Scope and Purpose**

**A.** Policy Statement

Flood control, groundwater recharge, erosion control and pollutant reduction shall be achieved using stormwater management measures, including green infrastructure best management practices (BMPs) and nonstructural stormwater management strategies. Green infrastructure BMPs and low impact development 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. Green infrastructure BMPs and low impact development 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 contained in this Article.

**B.** Purpose

The purpose of this Article is to establish, within the Pinelands Area portion of Berlin Township, minimum stormwater management requirements and controls as authorized by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and consistent with the Pinelands Comprehensive Management Plan (CMP) (N.J.A.C. 7:50-1.1 et seq.) and the New Jersey Department of Environmental Protection (NJDEP) Stormwater Management Regulations (N.J.A.C. 7:8-1.1 et seq.). The standards in this Article are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity, to facilitate groundwater recharge, and to control and minimize soil erosion, stream channel erosion, sedimentation and pollution associated with stormwater runoff. Moreover, Pinelands Area resources are to be protected in accordance with the antidegradation policies contained in the New Jersey Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.). Additionally, this Article is intended to ensure the adequacy of existing and proposed culverts and bridges and to protect public safety through the proper design and operation of stormwater BMPs. If

there are any conflicts between a provision required by the Pinelands CMP and a provision required by the NJDEP, the Pinelands CMP provision shall apply.

**C.** Applicability

**(1)** The terms "development," "major development" and "minor development" are defined in **§200-145.21** in accordance with the Pinelands CMP (N.J.A.C. 7:50-2.11) and differ from the definitions of "development" and "major development" contained in the NJDEP Stormwater Management Regulations (N.J.A.C. 7:8-1.2).

**(2)** This Article shall apply within the Pinelands Area to all major development, and to minor development meeting the following criteria:

**(a)** Development involving the construction of four or fewer dwelling units;

**(b)** Development involving any use and resulting in an increase of greater than 1,000 square feet of regulated motor vehicle surfaces; and

**(c)** Development involving the grading, clearing, or disturbance of an area in excess of 5,000 square feet within any five-year period. For development meeting this criterion, the stormwater management standards for major development set forth in this Article shall apply.

**(3)** This Article shall apply to all development meeting the criteria of **(2)** above that is undertaken by Berlin Township.

**(4)** Except as provided in **§200-145.29**, the exemptions, exceptions, applicability standards, and waivers of strict compliance contained in the NJDEP Stormwater Management Regulations at N.J.A.C. 7:8-1.1 et seq. shall not apply within the Pinelands Area.

**D.** Compatibility with Other Permit and Ordinance Requirements

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

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

**(3)** In the event that a regional stormwater management plan(s) is prepared and formally adopted pursuant to N.J.A.C. 7:8-1.1 et seq. for any drainage area(s) or watershed(s) of which Berlin Township is a part, the stormwater provisions of such a plan(s) shall be adopted by Berlin Township within one year of the adoption of a Regional Stormwater Management Plan (RSWMP) as an amendment to an Areawide Water Quality Management Plan. Local ordinances proposed to implement the RSWMP shall be submitted to the Pinelands Commission for certification within six months of the adoption of the RSWMP per N.J.A.C. 7:8 and the Pinelands CMP.

**§200-145.21. Definitions**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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 NJDEP Stormwater Management Rules at N.J.A.C. 7:8-1.2 unless otherwise defined in the Pinelands CMP at N.J.A.C. 7:50-2.11 in which case the definition corresponds to the CMP definition.

“Compaction” means the increase in soil bulk density.

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

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

**(1)** A county planning agency; or

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

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

"Development" means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more

parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

**(1)** A change in type of use of a structure or land;

**(2)** A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;

**(3)** A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;

**(4)** Commencement of resource extraction or drilling or excavation on a parcel of land;

**(5)** Demolition of a structure or removal of trees;

**(6)** Commencement of forestry activities;

**(7)** Deposit of refuse, solid or liquid waste or fill on a parcel of land;

**(8)** In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and

**(9)** Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands use for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

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

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

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas.

Habitats of endangered or threatened species are identified using the NJDEP Landscape Project as approved by the NJDEP Endangered and Nongame Species Program.

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

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

**(1)** Treating stormwater runoff through infiltration into subsoil;

**(2)** Treating stormwater runoff through filtration by vegetation or soil; or

**(3)** Storing stormwater runoff for reuse.

"High Pollutant Loading Areas” means 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 NJDEP 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.

"HUC-11" or "hydrologic unit code 11" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

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

“Impervious surface” means any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0, incorporated herein by reference, as amended and supplemented, available with user guide and tutorials at http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTr55.html or at Natural Resources Conservation Service, 220 Davidson Avenue, Somerset, NJ 08873. Such surfaces may have varying degrees of permeability.

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

“Major development” means any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any grading, clearing or disturbance of an area in excess of 5,000 square feet.

"Minor development" means any individual development as well as multiple developments that individually or collectively result in:
1. The disturbance of five thousand (5,000) square feet or more of land, but not considered to be a major development;
2. The creation of one thousand (1,000) or more square feet of “regulated impervious surface”, but not considered to be a major development;
3. The creation of one thousand (1,000) or more square feet of “regulated motor vehicle surface” but is not considered to be a major development;
4. A combination of the surfaces in 2 and 3 above that consists of an aggregate area of one thousand (1,000) square feet or more but not considered to be a major development.

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the NJDEP providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the NJDEP as being capable of contributing to the achievement of the stormwater management standards specified in this Article. The BMP Manual is periodically amended by the NJDEP 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 NJDEP’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this Article. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this Article, provided the design engineer demonstrates to the municipality, in accordance with **§200-145.22F** 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 Article.

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

"Permeability" means the rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

“Person” means an individual, corporation, public agency, business trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

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

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

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

**(1)** A net increase in motor vehicle surface; and/or

**(2)** The total 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, where the water quality treatment will be modified or removed.

"Seasonal high water table” means the level below the natural surface of the ground to which water seasonally rises in the soil in most years.

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

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

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

“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.

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

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

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

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

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

“Wetlands” or “wetland” means lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands--a Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in N.J.A.C. 7:50-2.11, 6.3, 6.4 and 6.5.

“Wetland transition area” means an area within 300 feet of any wetland.

**§200-145.22. Stormwater Management Requirements**

**A.** Stormwater management measures for development regulated under this Article shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control and stormwater runoff quality treatment in accordance with this Article.

**(1)** Major development shall meet the minimum design and performance standards for erosion control established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90 and 16:25A.

**(2)** All development regulated under this Article shall meet the minimum design and performance standards for groundwater recharge, stormwater runoff quality, and stormwater runoff quantity at **§200-145.22O, P, and Q** by incorporating green infrastructure as provided at **§200-145.22N**.

**B.** All development regulated under this Article shall incorporate a maintenance plan for the stormwater management measures in accordance with **§200-145.28**.

**C.** Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species in accordance with N.J.A.C. 7:8-5.2(c) and N.J.A.C. 7:50-6.27 and 6.33.

**D.** **Tables 1, 2, and 3** below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§200-145.22N, O, P, and Q**. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Article, the stormwater management measures found 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 BMP Manual 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 NJDEP 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 NJDEP website at: https://njstormwater.org/bmp_manual2.htm.

**E.** Where the BMP tables at N.J.A.C. 7:8-5.2(f) differ with **Tables 1, 2 and 3** below due to amendment, the BMP Tables at N.J.A.C. 7:8-5.2(f) shall take precedence, except that in all cases the lowest point of infiltration must maintain a minimum separation of two (2) feet to seasonal high water table as required by **§200-145.22H(2)** unless otherwise noted.

**Table 1: Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity**

| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (Feet) |
|---|---|---|---|---|
| Cistern | 0 | Yes | No | -- |
| Dry Well[a] | 0 | No | Yes | 2 |
| Grass Swale | 50 or less | No | No | 2[e] |
| | | | | 1[f] |
| Green Roof | 0 | Yes | No | -- |
| Manufactured Treatment Device[a], [g] | 50 or 80 | No | No | Dependent upon the device |
| Pervious Paving System[a] | 80 | Yes | Yes[b] | 2[b] |
| | | | No[c] | 2[c] |
| Small-Scale Bioretention Basin[a] | 80 or 90 | Yes | Yes[b] | 2[b] |
| | | | No[c] | 1[c] |
| Small-Scale Infiltration Basin[a] | 80 | Yes | Yes | 2 |
| Small Scale Sand Filter[a] | 80 | Yes | Yes | 2 |
| Vegetative Filter Strip | 60-80 | No | No | -- |

**Table 2: Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Variance from N.J.A.C. 7:8-5.3)**

| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (Feet) |
|---|---|---|---|---|
| Bioretention System | 80 or 90 | Yes | Yes[b] | 2[b] |
| | | | No[c] | 1[c] |
| Infiltration Basin | 80 | Yes | Yes | 2 |
| Sand Filter[b] | 80 | Yes | Yes | 2 |
| Standard Constructed Wetland | 90 | Yes | No | 2[i] |
| Wet Pond[d] | 50-90 | Yes | No | 2[i] |

**Table 3: BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Variance from N.J.A.C. 7:8-5.3**

| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (Feet) |
|---|---|---|---|---|
| Blue Roof | 0 | Yes | No | N/A |
| Extended Detention Basin | 40-60 | Yes | No | 2 |
| Manufactured Treatment Device[(h)] | 50 or 80 | No | No | Dependent upon the device |
| Sand Filter[(c)] | 80 | Yes | No | 2 |
| Subsurface Gravel Wetland | 90 | No | No | 2 |
| Wet Pond | 50-90 | Yes | No | 2[(i)] |

Footnotes to **Tables 1, 2, and 3**:

(a) subject to the applicable contributory drainage area limitation specified at **§200-145.22N(2)**.
(b) designed to infiltrate into the subsoil.
(c) designed with underdrains, where stormwater percolates into the underdrain through the soils and is not directed to the underdrain by an outlet control structure.
(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 **§200-145.21**.
(h) manufactured treatment devices that do not meet the definition of green infrastructure at **§200-145.21**.
(i) the top elevation of the impermeable layer or liner must maintain this 2-foot minimum separation to the seasonal high water table.

**F.** 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 NJDEP and the Pinelands Commission in accordance with **§200-145.24B**. Alternative stormwater management measures may be used to satisfy the requirements at **§200-145.22N** only if the measures meet the definition of green infrastructure at **§200-145.21**. Alternative stormwater management measures that function in a similar manner to a BMP listed at **§200-145.22N(2)** are subject to the contributory drainage

area limitation specified at **§200-145.22N(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 **§200-145.22N(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 **§200-145.29** is granted from **§200-145.22N**.

**G.** Hydraulic Impacts

**(1)** For all major development, groundwater mounding analysis shall be required for purposes of assessing the hydraulic impacts of mounding of the water table resulting from infiltration of stormwater runoff from the maximum storm designed for infiltration. The mounding analysis shall provide details and supporting documentation on the methodology used. Groundwater mounds shall not cause stormwater or groundwater to breakout to the land surface or cause adverse impacts to adjacent water bodies, wetlands, or subsurface structures, including, but not limited to, basements and septic systems. Where the mounding analysis identifies adverse impacts, the stormwater management measure shall be redesigned or relocated, as appropriate.

**(2)** For all applicable minor development, a design engineer's certification that each green infrastructure stormwater management measure will not adversely impact basements or septic systems of the proposed development shall be required.

**H.** 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; wetland transition areas; 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 designed to infiltrate stormwater shall be designed, constructed, and maintained to provide a minimum separation of at least two feet between the elevation of the lowest point of infiltration and the seasonal high water table;

**(3)** Stormwater management measures designed to infiltrate stormwater shall be sited in suitable soils verified by testing to have permeability rates between one and 20 inches per hour. A factor of safety of two shall be applied to the soil's permeability rate in determining the infiltration measure's design permeability rate. If such soils do not exist on the parcel proposed for development or if it is demonstrated that it

is not practical for engineering, environmental, or safety reasons to site the stormwater infiltration measure(s) in such soils, the stormwater infiltration measure(s) may be sited in soils verified by testing to have permeability rates in excess of 20 inches per hour, provided that stormwater is routed through a bioretention system prior to infiltration. Said bioretention system shall be designed, installed, and maintained in accordance with the New Jersey Stormwater BMP Manual;

**(4)** The use of stormwater management measures that are smaller in size and distributed spatially throughout a parcel, rather than the use of a single, larger stormwater management measure shall be required;

**(5)** Methods of treating stormwater prior to entering any stormwater management measure shall be incorporated into the design of the stormwater management measure to the maximum extent practical;

**(6)** To avoid sedimentation that may result in clogging and reduction of infiltration capability and to maintain maximum soil infiltration capacity, the construction of stormwater management measures that rely upon infiltration shall be managed in accordance with the following standards:

**(a)** No stormwater management measure shall be placed into operation until its drainage area has been completely stabilized. Instead, upstream runoff shall be diverted around the measure and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with N.J.A.C. 2:90;

**(b)** If, for engineering, environmental, or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the parcel in accordance with **(a)** above, the stormwater management measure may be placed into operation prior to the complete stabilization of its drainage area provided that the measure's bottom during this period is constructed at a depth at least two feet higher than its final design elevation. When the drainage area has been completely stabilized, all accumulated sediment shall be removed from the stormwater management measure, which shall then be excavated to its final design elevation; and

**(c)** To avoid compacting the soils below a stormwater management measure designed to infiltrate stormwater, no heavy equipment, such as backhoes, dump trucks, or bulldozers shall be permitted to operate within the footprint of the stormwater management measure. All excavation required to construct a stormwater management measure that relies on infiltration shall be performed by equipment placed outside the footprint of the stormwater management measure. If this is not possible, the soils within the excavated area shall be renovated and tilled after construction is completed. Earthwork associated with

stormwater management measure construction, including excavation, grading, cutting, or filling, shall not be performed when soil moisture content is above the lower plastic limit;

**(7)** Dry wells shall be designed to prevent access by amphibian and reptiles;

**(8)** 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 established at **§200-145.22P(4)**. 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 **§200-145.26C(1)**;

**(9)** 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;

**(10)** Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at **§200-145.26**; and

**(11)** 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.

**I.** Manufactured treatment devices may be used to meet the requirements of this Article, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP. Manufactured treatment devices that do not meet the definition of green infrastructure at **§200-145.21** may be used only under the circumstances described at **§200-145.22N(4)**.

**J.** Any application for a new agricultural development that meets the definition of major development at N.J.A.C. 7:8-1.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at **§200-145.22N, 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.

**K.** If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§200-145.22O, 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.

**L.** Any stormwater management measure authorized under the municipal stormwater management plan or this Article shall be reflected in a deed notice recorded in the Camden County Clerk's Office. 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 **§200-145.22N, 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 **§200-145.28B(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.

**M.** A stormwater management measure approved under the municipal stormwater management plan or this Article 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 contained in **§200-145.22N, O, P, and Q** 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 Camden County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with **L** 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 **L** above.

**N.** 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 of this Article.

**(2)** To satisfy the groundwater recharge and stormwater runoff quality standards at **§200-145.22O and P**, the design engineer shall utilize BMPs identified in **Table 1** at **§200-145.22E** and/or an alternative stormwater management measure approved

in accordance with **§200-145.22F**. 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 System | 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 **§200-145.22Q**, the design engineer shall utilize BMPs identified in **Table 1** or **2** at **§200-145.22E** and/or an alternative stormwater management measure approved in accordance with **§200-145.22F**.

**(4)** If a variance in accordance with **§200-145.29** is granted from the requirements of this subsection, then BMPs from **Table 1, 2, or 3** at **§200-145.22E** and/or an alternative stormwater management measure approved in accordance with **§200-145.22F** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§200-145.22O, 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 **§200-145.22O, P, and Q**.

**O.** Groundwater Recharge Standards

**(1)** This subsection contains the minimum design and performance standards for groundwater recharge as follows:

**(2)** For all major and minor development, the total runoff volume generated from the net increase in impervious surfaces by a 10-year, 24-hour storm shall be retained and infiltrated onsite.

**(3)** For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a 10-year, 24-hour

storm shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.

**(4)** For minor development that involves any nonresidential use and will result in an increase of greater than 1,000 square feet of regulated motor vehicle surfaces, the water quality design storm volume generated from these surfaces shall be recharged onsite.

**(5)** Stormwater from areas of high pollutant loading and/or industrial stormwater exposed to source material shall only be recharged in accordance with **§200-145.22P(8)**.

**P.** Stormwater Runoff Quality Standards

**(1)** This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of:

**(a)** Major development;

**(b)** Minor development that involves any use and will result in an increase of greater than of 1,000 square feet of regulated impervious surface or more but not considered to be a major development, 1,000 square feet of regulated motor vehicle surface or more but not considered to be a major development or the combination of these surfaces with an aggregate surface area of 1,000 square feet or more but not considered to be a major development; and

**(c)** Any development involving the grading, clearing, or disturbance of an area in excess of 5,000 square feet within any five-year period.

**(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 established at **§200-145.22P(4)** 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 | 0.0083 | 45 | 0.2 | 85 | 1.117 |
| 6 | 0.00996 | 46 | 0.2117 | 86 | 1.1236 |
| 7 | 0.01162 | 47 | 0.2233 | 87 | 1.1302 |
| 8 | 0.01328 | 48 | 0.235 | 88 | 1.1368 |
| 9 | 0.01494 | 49 | 0.2466 | 89 | 1.1434 |
| 10 | 0.0166 | 50 | 0.2583 | 90 | 1.15 |
| 11 | 0.01828 | 51 | 0.2783 | 91 | 1.155 |
| 12 | 0.01996 | 52 | 0.2983 | 92 | 1.16 |
| 13 | 0.02164 | 53 | 0.3183 | 93 | 1.165 |
| 14 | 0.02332 | 54 | 0.3383 | 94 | 1.17 |
| 15 | 0.025 | 55 | 0.3583 | 95 | 1.175 |
| 16 | 0.03 | 56 | 0.4116 | 96 | 1.18 |
| 17 | 0.035 | 57 | 0.465 | 97 | 1.185 |
| 18 | 0.04 | 58 | 0.5183 | 98 | 1.19 |
| 19 | 0.045 | 59 | 0.5717 | 99 | 1.195 |
| 20 | 0.05 | 60 | 0.625 | 100 | 1.2 |
| 21 | 0.055 | 61 | 0.6783 | 101 | 1.205 |
| 22 | 0.06 | 62 | 0.7317 | 102 | 1.21 |
| 23 | 0.065 | 63 | 0.785 | 103 | 1.215 |
| 24 | 0.07 | 64 | 0.8384 | 104 | 1.22 |
| 25 | 0.075 | 65 | 0.8917 | 105 | 1.225 |
| 26 | 0.08 | 66 | 0.9117 | 106 | 1.2267 |
| 27 | 0.085 | 67 | 0.9317 | 107 | 1.2284 |
| 28 | 0.09 | 68 | 0.9517 | 108 | 1.23 |
| 29 | 0.095 | 69 | 0.9717 | 109 | 1.2317 |
| 30 | 0.1 | 70 | 0.9917 | 110 | 1.2334 |
| 31 | 0.1066 | 71 | 1.0034 | 111 | 1.2351 |
| 32 | 0.1132 | 72 | 1.015 | 112 | 1.2367 |
| 33 | 0.1198 | 73 | 1.0267 | 113 | 1.2384 |
| 34 | 0.1264 | 74 | 1.0383 | 114 | 1.24 |
| 35 | 0.133 | 75 | 1.05 | 115 | 1.2417 |
| 36 | 0.1396 | 76 | 1.0568 | 116 | 1.2434 |
| 37 | 0.1462 | 77 | 1.0636 | 117 | 1.245 |
| 38 | 0.1528 | 78 | 1.0704 | 118 | 1.2467 |
| 39 | 0.1594 | 79 | 1.0772 | 119 | 1.2483 |
| 40 | 0.166 | 80 | 1.084 | 120 | 1.25 |

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

$R = A + B – (A \times B) / 100$

Where,

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

**(6)** Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm established at **§200-145.22P(4)**. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§200-145.22O, P, and Q**.

**(7)** For all major development, stormwater management measures shall be designed to achieve a minimum of 65 percent reduction of the post-construction total nitrogen load from the developed site, including those permanent lawn or turf areas that are specifically intended for active human use as described at N.J.A.C. 7:50-6.24(c)3, in stormwater runoff generated from the water quality design storm established at **§200-145.22P(4)**. In achieving a minimum 65 percent reduction of total nitrogen, the design of the site shall include green infrastructure in accordance with the New Jersey Stormwater BMP Manual and shall optimize nutrient removal. The minimum 65 percent total nitrogen reduction may be achieved by using a singular stormwater management measure or multiple stormwater management measures in series.

**(8)** In high pollutant loading areas (HPLAs) and/or areas where stormwater runoff is exposed to source material, as defined in **§200-145.21**, the following additional water quality standards shall apply:

**(a)** The areal extent and amount of precipitation falling directly on or flowing over HPLAs and/or areas where stormwater is exposed to source material shall be minimized through the use of roof covers, canopies, curbing or other physical means to the maximum extent practical in order to minimize the quantity of stormwater generated from HPLA areas and areas where stormwater runoff is exposed to source material;

**(b)** The stormwater runoff originating from HPLAs and/or areas where stormwater runoff is exposed to source material shall be segregated and prohibited from co-mingling with stormwater runoff originating from the remainder of the parcel

unless it is first routed through one or more stormwater management measures required at **(c)** below;

**(c)** The stormwater runoff from HPLAs and/or areas where stormwater runoff is exposed to source material shall incorporate stormwater management measures designed to reduce the post-construction load of TSS by at least 90 percent in stormwater runoff generated from the water quality design storm established at **§200-145.22P(4)** using one or more of the measures identified at **[1]** or **[2]** below. In meeting this requirement, the minimum 90 percent removal of total suspended solids may be achieved by utilizing multiple stormwater management measures in series:

**[1]** Any measure designed in accordance with the New Jersey Stormwater BMP Manual to remove total suspended solids. Any such measure must be constructed to ensure that the lowest point of infiltration within the measure maintains a minimum of two feet of vertical separation from the seasonal high-water table; and

**[2]** Other measures certified by the NJDEP, including a Media Filtration System manufactured treatment device with a minimum 80 percent removal of total suspended solids as verified by the New Jersey Corporation for Advanced Technology; and

**(d)** If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the stormwater management measure required at **(c)** above, the stormwater runoff from the HPLAs and areas where stormwater runoff is exposed to source material shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device providing for the removal of petroleum hydrocarbons. The applicant shall provide the review agency with sufficient data to demonstrate acceptable performance of the device.

**(9)** 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.

**(10)** 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.

**Q.** Stormwater Runoff Quantity Standards

**(1)** This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts related to applicable major and minor development.

**(2)** In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at **§200-145.23**, complete one of the following:

**(a)** Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

**(b)** Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

**(c)** Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

**(d)** In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with **(a), (b), and (c)** above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

**(4)** There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetlands transition area, or surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and rate of discharge into any wetlands, wetlands transition area, or surface water body from that which existed prior to development of the parcel.

**(5)** To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields to protect farm crops from damage due to flooding, erosion, and long-term saturation of cultivated crops and cropland.

**R.** As-built requirements for major development are as follows:

**(1)** After all construction activities have been completed on the parcel and finished grade has been established in each stormwater management measure designed to infiltrate stormwater, replicate post-development permeability tests shall be conducted to determine if as-built soil permeability rates are consistent with design permeability rates. The results of such tests shall be submitted to the municipal engineer or other appropriate reviewing engineer. If the results of the post-development permeability tests fail to achieve the minimum required design permeability rate, utilizing a factor of safety of two, the stormwater management measure shall be renovated and re-tested until the required permeability rates are achieved; and

**(2)** After all construction activities and required testing have been completed on the parcel, as-built plans, including as-built elevations of all stormwater management measures shall be submitted to the municipal engineer or other appropriate reviewing engineer to serve as a document of record. Based upon that engineer's review of the as-built plans, all corrections or remedial actions deemed necessary due to the failure to comply with design standards and/or for any reason concerning public health or safety, shall be completed by the applicant. In lieu of review by the municipal engineer, the municipality may engage a licensed professional engineer to review the as-built plans and charge the applicant for all costs associated with such review.

**§200-145.23. Calculation of Stormwater Runoff and Groundwater Recharge**

**A.** Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. 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.

**B.** In calculating stormwater runoff using the NRCS methodology, the appropriate 24-hour rainfall depths as developed for the parcel by the National Oceanic and Atmospheric Administration, https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj, shall be utilized.

**C.** For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. 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).

**D.** In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

**E.** In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

**F.** 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.

**G.** Groundwater recharge may be calculated in accordance with the New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

**§200-145.24. Sources for Technical Guidance**

**A.** Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP'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 BMP 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** of **§200-145.22E**. The New Jersey Stormwater BMP Manual may be utilized as a guide in determining the extent to which stormwater management activities and measures meet the standards of this Article.

**(2)** Additional maintenance guidance is available on the NJDEP's website at: https://www.njstormwater.org/maintenance_guidance.htm.

**B.**

**(1)** Submissions required for review by the NJDEP 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.

**(2)** Submissions required for review by the Pinelands Commission should be emailed to appinfo@pinelands.nj.gov.

**§200-145.25. Solids and Floatable Materials Control Standards**

**A.** Site design features identified under **§200-145.22E**, or alternative designs in accordance with **§200-145.22F**, 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 **(2)** below.

**(1)** Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

**(a)** 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

**(b)** 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.

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

**(2)** The standard in **(1)** above does not apply:

**(a)** 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;

**(b)** 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;

**(c)** Where flows from the water quality design storm established at **§200-145.22P(4)** 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:

**[1]** 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

**[2]** 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).

**(d)** 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 established at **§200-145.22P(4)**; or

**(e)** Where the NJDEP 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.

**§200-145.26. Safety Standards for Stormwater Management Basins**

**A.** This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

**B.** The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in **C(1), (2) or (3)** below for trash racks, overflow grates, and escape provisions at outlet structures.

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

**(1)** A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

**(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; and

**(d)** The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

**(2)** An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, the grate shall comply with 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 greater than two inches across the smallest dimension

**(c)** The overflow grate shall be constructed of rigid, durable, and corrosion resistant material, 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 **D** below, 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 **E** below for an illustration of safety ledges in a stormwater management BMP; and

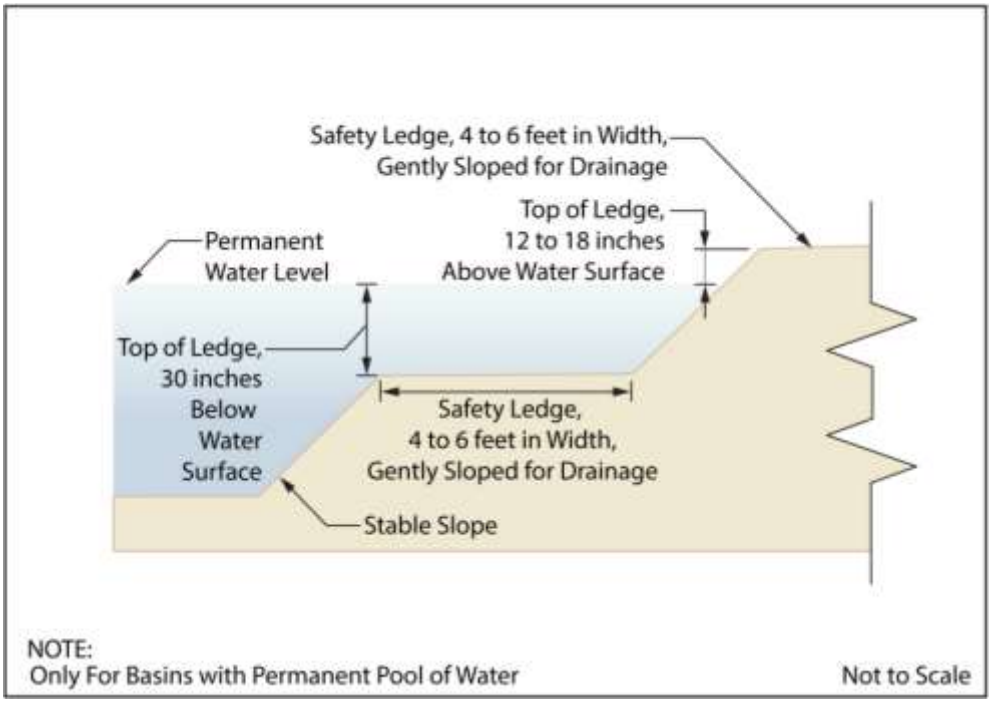
**(c)** In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

**D.** Variance or Exemption from Safety Standard

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

**E.** Safety Ledge Illustration

**Figure 1. Elevation View – Basin Safety Ledge Configuration**




**§200-145.27. Requirements for a Site Development Stormwater Plan**

**A.** Submission of Site Development Stormwater Plan.

**(1)** Any application for major development approval shall include a Site Development Stormwater Plan containing all information required in **§200-145.27C.**

**(2)** Any application for minor development approval that is subject to this Article shall include a Site Development Stormwater Plan containing all information required in **§200-145.27D.**

**(3)** The Site Development Stormwater Plan shall demonstrate that the proposed development meets the standards of this Article.

**(4)** The Site Development Stormwater Plan shall contain comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in **§200-145.22P(4)**. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by **§200-145.22O, P, and Q** and shall be met using the methods, calculations and assumptions provided in **§200-145.23**.

**(5)** The application submission requirements of **(1)** and **(2)** above shall be in addition to all other applicable application submission requirements of the municipality's land development regulations.

**(6)** The applicant shall submit seven (7) copies copies of the Site Development Stormwater Plan. All required engineering plans shall be in CAD Format 15 or higher, registered and rectified to NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Shape Format NAD 1983 State Plane New Jersey FIPS 2900 US Feet. All other required documents shall be submitted in both paper and commonly used electronic file formats such as .pdf, word processing, database or spreadsheet files.

**B.** Site Development Stormwater Plan Approval.

The Site Development Stormwater Plan shall be reviewed as a part of the development review process by the municipal board or official from whom 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 the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this Article.

**C.** Checklist Requirements for major development.

Any application for major development approval shall include a Site Development Stormwater Plan containing, at minimum, the following information.

**(1)** Topographic Base Map.

The Site Development Stormwater Plan shall contain a topographic base map of the site that extends a minimum of three hundred (300) feet beyond the limits of the proposed development, at a scale of one (1) inch = one hundred (100) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with any required wetlands transition areas, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. Berlin Township or the Pinelands Commission may require upstream tributary drainage system information as necessary.

**(2)** Environmental Site Analysis.

The Site Development Stormwater Plan shall contain a written description along with the drawings of the natural and human-made features of the site and its environs. This description shall include:

**(a)** A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention shall be given to unique, unusual or environmentally sensitive features and to those features that provide particular opportunities for or constraints on development; and

**(b)** Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater management measures, including, at a minimum:

**[1]** A soils report based on onsite soil tests;

**[2]** Location and spot elevations in plan view of all test pits and permeability tests;

**[3]** Permeability test data and calculations;

**[4]** Any other required soil or hydrogeologic data (e.g., mounding analyses results) correlated with location and elevation of each test site;

**[5]** A cross-section of all proposed stormwater management measures with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and

**[6]** Any other information necessary to demonstrate the suitability of the specific proposed stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.

**(3)** Project description and site plan(s).

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

**(4)** Land Use Planning and Source Control Plan.

The Site Development Stormwater Plan shall contain a Land Use Planning and Source Control Plan demonstrating compliance with the erosion control, groundwater recharge, stormwater runoff quantity control and stormwater quality treatment required by this Article. This shall include, but is not limited to:

**(a)** Information demonstrating that the proposed stormwater management measures are able to achieve a minimum 65 percent reduction of the post-construction total nitrogen load, in accordance with **§200-145.22P(7)**.

**(b)** Where any stormwater generated from high pollutant loading areas or where stormwater will be exposed to source material, information demonstrating that the proposed stormwater management measures are consistent with **§200-145.22P(8)**.

**(5)** Stormwater Management Facilities Map.

The Site Development Stormwater Plan shall contain a Stormwater Management Facilities Map, at the same scale as the topographic base map, depicting the following information:

**(a)** The total area to be disturbed, paved and/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 manage and recharge stormwater; and

**(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 (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

**(6)** Groundwater Mounding Analysis.

The Site Development Stormwater Plan shall contain a groundwater mounding analysis in accordance with **§200-145.22G(1).**

**(7)** Inspection, Maintenance and Repair Plan.

The Site Development Stormwater Plan shall contain an Inspection, Maintenance and Repair Plan containing information meeting the requirements of **§200-145.28B** of this Article.

**D.** Checklist Requirements for minor development.

Any application for minor development approval that is subject to this Article shall include a Site Development Stormwater Plan, certified by a design engineer, containing, at minimum, the following information:

**(1)** Topographic Base Map.

The Site Development Stormwater Plan shall contain a topographic base map of the site that extends a distance, which is determined to be necessary by the Township Engineer beyond the limits of the proposed development, at a scale of one (1) inch = one hundred (100) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent

streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with any required wetlands transition areas, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. Berlin Township or the Pinelands Commission may require upstream tributary drainage system information as necessary.

**(2)** Environmental Site Analysis.

The Site Development Stormwater Plan shall contain a written description along with the drawings of the natural and human-made features of the site and its environs. This description shall include:

**(a)** A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention shall be given to unique, unusual or environmentally sensitive features and to those features that provide particular opportunities for or constraints on development; and

**(b)** Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater management measures, including, at a minimum:

**[1]** A soils report based on onsite soil tests;

**[2]** Location and spot elevations in plan view of all test pits and permeability tests;

**[3]** Permeability test data and calculations;

**[4]** Any other required soil or hydrogeologic data (e.g., mounding analyses results) correlated with location and elevation of each test site;

**[5]** A cross-section of all proposed stormwater management measures with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and

**[6]** Any other information necessary to demonstrate the suitability of the specific proposed stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.

**(3)** Project description and site plan(s).

The Site Development Stormwater Plan shall contain a map (or maps), at the same scale as the topographical base map, indicating the location of existing and

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

**(4)** Stormwater Management Facilities Map.

The Site Development Stormwater Plan shall contain a Stormwater Management Facilities Map, at the same scale as the topographic base map, depicting the following information:

**(a)** The total area to be disturbed, paved and/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 manage and recharge stormwater; and

**(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 (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

**(5)** The type and location of each green infrastructure stormwater management measure.

**(6)** A cross sectional drawing of each stormwater management measure showing the associated:

**(a)** soil profile;

**(b)** soil permeability test elevation;

**(c)** soil permeability rate; and

**(d)** the elevation of, and vertical separation to, the seasonal high water table.

**(7)** A design engineer's certification that each green infrastructure stormwater management measure will not adversely impact basements or septic systems of the proposed development, in accordance with **§200-145.22G(2)**.

**(8)** A Maintenance Plan containing information meeting the requirements of **§200-145.28B** of this Article.

**E.** Exception from submission requirements.

With the exception of **C(7)** and **D(7)** above, the municipality may modify or waive any required element of the Site Development Stormwater Plan, provided that sufficient information can be provided to demonstrate compliance with the standards of this Article. However, application information required in accordance with the Pinelands CMP (N.J.A.C. 7:50-4.2(b)) shall be submitted to the Pinelands Commission, unless the Executive Director of the Pinelands Commission waives or modifies the application requirements.

**§200-145.28. Maintenance and Repair**

**A.** All development regulated under this Article shall incorporate a maintenance plan, prepared by the design engineer, consistent with **B** below. Maintenance and repair shall be implemented in accordance with maintenance plan and **C** below.

**B.** The maintenance plan shall include the following:

**(1)** Specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

**(2)** Responsibility for maintenance of stormwater management measures approved as part of an application for major development shall not be assigned or transferred to the owner or tenant of an individual property, unless such owner or tenant owns or leases the entire site subject to the major development approval. 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 the maintenance required.

**(3)** Responsibility for maintenance of stormwater management measures approved as part of an application for minor development may be assigned or transferred to the owner or tenant of the parcel.

**(4)** If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity’s agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

**(5)** If the person responsible for maintenance identified under **(1)** above is not a public agency, the maintenance plan and any future revisions based on **§200-**

**145.28C(2)(b)** shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

**(6)** For all major development, the following additional standards apply:

**(a)** The maintenance plan shall include accurate and comprehensive drawings of all stormwater management measures on a parcel, including the specific latitude and longitude and block/lot number of each stormwater management measure. Maintenance plans shall specify that an inspection, maintenance, and repair report will be updated and submitted annually to the municipality;

**(b)** Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement; and

**(c)** An adequate means of ensuring permanent financing of the inspection, maintenance, repair, and replacement plan shall be implemented and shall be detailed in the maintenance plan. Financing methods shall include, but not be limited to:

**[1]** The assumption of the inspection and maintenance program by a municipality, county, public utility, or homeowners association;

**[2]** The required payment of fees to a municipal stormwater fund in an amount equivalent to the cost of both ongoing maintenance activities and necessary structural replacements.

**(7)** For all minor development, maintenance plans shall be required for all stormwater management measures installed in accordance with this Article and shall include, at a minimum, the following information:

**(a)** A copy of the certified plan required pursuant to **§200-145.27D**;

**(b)** A description of the required maintenance activities for each stormwater management measure; and

**(c)** The frequency of each required maintenance activity.

**C.** General Maintenance and Repair

**(1)** Preventative and corrective maintenance shall be performed to maintain the function 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.

**(2)** The person responsible for maintenance identified under **§200-145.28B(2)** 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 **(a)** and **(b)** above.

**(3)** The requirements of **B(2), (3), and (4)** above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

**D.** 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.

**§200-145.29. Variances**

**A.** The exemptions, exceptions, applicability standards, and waivers of strict compliance contained in the NJDEP Stormwater Management Regulations at N.J.A.C. 7:8-1.1 et seq. shall not apply within the Pinelands Area except in accordance with this Section.

**B.** The municipal review agency may grant a variance from the design and performance standards for stormwater management measures set forth in its municipal stormwater management plan and this Article, provided that:

**(1)** No variances shall be granted from **§200-145.22Q(4)**, which prohibits the direct discharge of stormwater runoff to any wetlands, wetlands transition area, or surface waterbody and the direction of stormwater runoff in such a way as to increase in volume and rate of discharge into any wetlands, wetlands transition area, or surface water body from that which existed prior to development of the parcel;

**(2)** The municipal stormwater plan includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11 and N.J.A.C. 7:50-3.39(a)2viii;

**(3)** The applicant demonstrates that it is technically impracticable to meet any one or more of the design and performance standards on-site. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. A municipality's approval of a variance shall apply to an individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard;

**(4)** The applicant demonstrates that the proposed design achieves the maximum possible compliance with the design and performance standards of this Article on-site; and

**(5)** A mitigation project is implemented, in accordance with the following:

**(a)** All mitigation projects shall be located in the Pinelands Area and in the same HUC-14 as the parcel proposed for development. If the applicant demonstrates that no such mitigation project is available, the municipality may approve a variance that provides for mitigation within the same HUC-11 as the parcel proposed for development, provided the mitigation project is located in the Pinelands Area.

**(b)** The proposed mitigation project shall be consistent with the municipal stormwater management plan certified by the Pinelands Commission. If said stormwater management plan does not identify appropriate parcels or projects where mitigation may occur, the applicant may propose a mitigation project that meets the criteria in **(a)** above.

**(c)** The mitigation project shall be approved no later than preliminary or final site plan approval of the major development.

**(d)** The mitigation project shall be constructed prior to, or concurrently with, the development receiving the variance.

**(e)** The mitigation project shall comply with the green infrastructure standards at **§200-145.22N**.

**(f)** If the variance that resulted in the mitigation project being required is from the green infrastructure standards at **§200-145.22N**, then the mitigation project must use green infrastructure BMPs in **Table 1** contained at **§200-145.22E**, and/or an alternative stormwater management measure approved in accordance with **§200-145.22F** that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the variance. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm established at **§200-145.22P(4)**, at a minimum, and is subject to the applicable contributory drainage area limitation specified at **§200-145.22N(2)**, as applicable.

**(g)** A variance from the groundwater recharge standards at **§200-145.22O** may be granted provided that the total volume of stormwater infiltrated by the mitigation project equals or exceeds the volume required at **§200-145.22O**.

**(h)** A variance from the stormwater runoff quality standards at **§200-145.22P** may be granted if the following are met:

**[1]** The total drainage area of motor vehicle surface managed by the mitigation project(s) must equal or exceed the drainage area of the area of the major development subject to the variance and must provide sufficient TSS removal to equal or exceed the deficit resulting from granting the variance for the major development; and

**[2]** The mitigation project must remove nutrients to the maximum extent feasible in accordance with **§200-145.22P(7)**.

**(i)** A variance from the stormwater runoff quantity standards at **§200-145.22Q** may be granted if the following are met:

**[1]** The applicant demonstrates, through hydrologic and hydraulic analysis, including the effects of the mitigation project, that the variance will not result in increased flooding damage below each point of discharge of the major development;

**[2]** The mitigation project indirectly discharges to the same watercourse and is located upstream of the major development subject to the variance; and

**[3]** The mitigation project provides peak flow rate attenuation in accordance with **§200-145.22Q(2)(c)** for an equivalent or greater area than the area of the major development subject to the variance. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.

**(j)** The applicant or the entity assuming maintenance responsibility for the associated major development shall be responsible for preventive and corrective maintenance (including replacement) of the mitigation project and shall be identified as such in the maintenance plan established in accordance with **§200-145.28**. This responsibility is not transferable to any entity other than a public agency, in which case a written agreement with that public agency must be submitted to the review agency.

**C.** Any approved variance shall be submitted by the municipal review agency to the county review agency and the NJDEP, by way of a written report describing the variance, as well as the required mitigation, within 30 days of the approval.

**§200-145.30. Penalties**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a fine of not less than $100 but not more than $1,000 and/or sentencing to a period of not more than 90 days in jail. Every continuous day that a violation takes place shall be considered a separate occurrence.

**SECTION 3:** Chapter 340, Zoning, Article IV, General Provisions, Section 340-21, Pinelands development standards, is hereby amended by replacing subsection H(1)(f) in its entirety with the following:

**(f)** Surface water runoff, provided that all requirements of Chapter 200, Article XVIIIB are met.

**SECTION 4:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase of portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6:** This Ordinance shall take effect twenty (20) days following adoption and publication as required by law and upon certification by the New Jersey Pinelands Commission.

Motion by Council President Bodanza, second by Councilman Epifanio to adopt Ordinance 2023-3 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-57 RESOLUTION REQUESTING THE RELEASE OF ESCROW FOR DIGGERLAND SITE IMPROVEMENTS.**

**WHEREAS,** Diggerland Adventure Park located at 441. East Franklin Avenue, West Berlin, New Jersey; Block 2601, Lots 2 has requested the release of their escrow monies in the amount of $5004.73; and

**WHEREAS,** the Township Engineer recommends that the Governing Body grant the request to release their escrow monies in the amount of $5004.73.

**NOW THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey that the request to release escrow monies for Diggerland Adventure Park is hereby granted.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-57. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-58 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY MAINTENANCE.**

**WHEREAS,** N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

**WHEREAS,** Chapters 249 of the Code of the Township of Berlin establish, inter alia, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

**WHEREAS,** the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

| **Property: Block/Lot** | **REASON** |
|---|---|
| 26 Oak Ct. B-1409 L-9 | lawn care PM2 23-001 |

**WHEREAS**, pursuant to Chapter 249 the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

**WHEREAS**, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

**WHEREAS,** the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

| **Property: Block/Lot** | **Date Charged** | **Amount** | **Reason** |
|---|---|---|---|
| **26 Oak Ct. B-1409 L-9** | **2/13/23** | **$676.25** | **clean up** |

**BE IT FURTHER RESOLVED,** that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

**BE IT FURTHER RESOLVED,** that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector until said charges are paid the lien is released in the matter required by law.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-58. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-59 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.**

**To the Mayor and Council to the Township of Berlin:**

**WHEREAS,** the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

**WHEREAS**, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

| Special Charge #: | Property: | AMOUNT | DATE PAID |
|---|---|---|---|
| **PM22-004** | **307 Fairview Ave.** | **$ 275.00** | **12/27/2022** |

Submitted for February 13, 2023 Meeting
Dana O'Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

**BE IT FURTHER RESOLVED**, This Resolution shall take effect immediately upon adoption.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-59. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-60 RESOLUTION REQUESTING THE RELEASE OF CASH PERFORMANCE GUARANTEE FOR TECHNITOOL 1048 INDUSTRIAL DRIVE, BLOCK 2301, LOT 14 AND THE POSTING OF A MAINTENANCE BOND.**

**WHEREAS,** Technitool, 1048 Industrial Drive, Block 2301, Lot 14 has requested the release of their Cash Performance Guarantee in the amount of $11,932.25 and

**WHEREAS,** the Engineer has recommended that the Township Grant the request for the release of their cash performance guarantee contingent upon the posting of a two-year maintenance bond in the amount of $770.25.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of their Cash Performance Guarantee for Technitool,1048 Industrial Drive is hereby granted contingent upon the posting of their two-year Maintenance Bond.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-60. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-61 CHANGE ORDER NUMBER 2 AND FINAL PAYMENT FOR IMPROVEMENTS TO DAY AVENUE FROM N.J.S.A. 73 TO CLOVER AVENUE, PARTIALLY FUNDED BY THE N.J. D.O.T. FY 2020 MUNICIPAL AID FUNDING.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in the improvements to Day Avenue in the Township of Berlin, Camden County, New Jersey, through the N.J.D.O.T. FY 2020 Municipal Aid Funding; and

**WHEREAS**, Change Order Number 2 was developed to itemize and authorize those partial as-built quantities, (see attachment): and:

**WHEREAS**, the Change orders Number1 reflects itemize adjustment, but no change in the Contract amount of $145,804.92, Change order Number 2 reflects an adjustment in the contract amount from $145,804.92 to 135,937.94 a 7% decrease in the amount of $9,866.97; and

**WHEREAS,** said Change Order Number 2 shall be charged to G-02-40-776-0998 NJDOT Grant as certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 2 is hereby authorized and approved for the change in the Contract amount from $145,804.92 to 135,937.94 a 7% decrease in the amount of $9,866.97; and

**FURTHER BE RESOLVED,** by the Mayor and Council of the Township of Berlin hereby authorized and approved a payment by resolution 2022-145 in the amount of $121,820.17 leaving a final payment in the amount of $14,117.76 to be made to Gerald A. Barrett LLC, 329 Lakedale Road, Berlin New Jersey, 08009.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-61. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-62 AMENDING CONFIRMING RESOLUTION 2022-177 OF THE OFFICIAL TAX SALE.**

PURSUANT to New Jersey State Statute N.J.S.A. 54:5-41 the following is a listing of the results of the official Township of Berlin Tax Sale held on October 19, 2022 at 10:30 am on that day in the Township of Berlin Court Room:

| Block/Lot/Qualifer | Purchaser | % Bid/Premium | Amount |
|---|---|---|---|
| 102-9 | Actlien Holding LLC | $ 15,500 | $ 7,138.62 |
| 613-4.01 | Actlien Holding LLC | $ 33,300 | $ 2,735.93 |
| 207-12 | PRO CAP8 FBO Firstrust | $ 1,800 | $ 350.53 |
| 807-20 | PRO CAP8 FBO Firstrust | $ 2,100 | $ 381.99 |
| 824-8 | PRO CAP8 FBO Firstrust | $ 1,700 | $ 167.57 |
| 827-5 | PRO CAP8 FBO Firstrust | $ 2,500 | $ 639.22 |
| 1410-3 | PRO CAP8 FBO Firstrust | $ 1,500 | $ 5,362.67 |
| 1414-3 | PRO CAP8 FBO Firstrust | $ 1,700 | $ 544.83 |
| 1810-17 | PRO CAP8 FBO Firstrust | $ 1,800 | $ 498.97 |
| 2301-2-C8 | PRO CAP8 FBO Firstrust | $ 11,700 | $ 5,553.28 |
| 1814-3 | DSHC Enterprises, LLC | 18% | $ 1,911.16 |
| 1903-2 | DSHC Enterprises, LLC | $ 1,800 | $ 276.01 |
| 1308-40.02 | Evolve Bank & Trust | $ 16,500 | $ 2,316.88* |
| Amended: clerical error - refunded overpayment of interest to lienholder | | | |
| 1404-9 | Evolve Bank & Trust | $ 14,100 | $ 3,376.34 |
| 601-20 | FIG 20 LLC SEC PTY | $ 3,000 | $ 4,618.70 |
| 601-29 | FIG 20 LLC SEC PTY | $ 1,700 | $ 324.65 |
| 602-15.01 | FIG 20 LLC SEC PTY | $ 3,000 | $ 1,152.39 |
| ~~612-1.02~~ | ~~FIG 20 LLC SEC PTY~~ | ~~$ 2,400~~ | ~~$ 1,129.63 *~~ |
| Cancelled: Receipt of Bankruptcy Petition after sale – lien and premium refunded to lienholder | | | |
| 1302-7 | FIG 20 LLC SEC PTY | $ 2,900 | $ 1,675.32 |
| 1303-4 | FIG 20 LLC SEC PTY | $ 3,000 | $ 1,628.62 |
| 1307-26 | FIG 20 LLC SEC PTY | $ 3,000 | $ 1,474.02 |
| 1310-2.03 | FIG 20 LLC SEC PTY | $ 2,300 | $ 876.94 |
| 1408-2 | FIG 20 LLC SEC PTY | $ 2,400 | $ 858.15 |
| 2301-1.04 | FIG 20 LLC SEC PTY | $ 3,000 | $ 1,218.64 |

AMENDED TOTAL COLLECTED FOR DELINQUENT CHARGES - $ 45,081.43 *

AMENDED TOTAL PREMIUM COLLECTED $ 130,300 *

Submitted and Prepared by Dana O'Hara, CTC
February 13, 2023 Meeting

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-62. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-63 AMENDING RESOLUTION 2022-190 AUTHORIZING REFUND OF FUNDS ERRONEOUSLY PAID AT TAX SALE PER N.J.S.A. 54:49-16 BLOCK 612 LOT 1.02.**

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a resolution AMENDING prior adopted Resolution 2022-190 which was submitted with an error in the amount of necessary refund to the lienholder.

WHEREAS, Charles H Snyder, Jr & Jennifer J Rauser Snyder, are the owners of the property located at 212 Second Avenue in the Township of Berlin and presently have a third party lien sold against said property, and;

WHEREAS, the tax sale was conducted on October 19, 2022 and a lien sold in error as the related property was in active bankruptcy at the time, but the Township was unaware as it did not receive proper notice and;

WHEREAS, tax collector sold Certificate 22-00007 to FIG 20 LLC FBO SEC PTY, lienholder, and;

WHEREAS, owner, Jennifer Snyder, first contacted the tax office on November 4, 2022, after receiving confirmation of tax sale from the tax office and informed the collector that bankruptcy was filed August 2022 and;

WHEREAS, the tax collector confirmed such bankruptcy as valid, contacted and informed lienholder of said error. It appears no questions of fact are involved and the moneys were erroneously collected under a mistake of fact and that the lienholder is entitled to a full refund of the certificate value and the erroneously omitted premium amount he paid, so;

*** Previous Resolution 2022-190 was adopted and only the certificate value funds have been released by check # 40021. Tax collector, Dana OHara, CTC is requesting Resolution 2022-190 be amended and this corrected so that the premium paid by the lienholder can be released back to the lienholder. ****

THEREFORE, BE IT RESOLVED that tax sale Certificate 22-00007 has been cancelled.

Upon adoption of this amended resolution and the subsequent release of the erroneously omitted premium, this resolution shall now reflect the corrected total of said refund as $ 3,529.63 this total includes the unpaid balance of premium in the amount of two thousand, four hundred dollars ( $ 2,400.00) to be released upon adoption of this amended resolution to:

FIG 20 LLC FBO SEC PTY
P.O. Box 12225
Newark, NJ 07101

These funds are in the Tax Collector Tax Title Lien/Redemption Account and will be issued by check number 3071.

Submitted by Dana OHara,

CTC for the February 13th, 2023 meeting.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-63. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-64 RESOLUTION REQUESTING THE ISSUANCE OF A OFF PREMISE RAFFLE LICENSES FOR WEST BERLIN LIONS CLUB FOUNDATION.**

**WHEREAS**, West Berlin Lions Club, has requested the issuances of an off- premise raffle license by the Township of Berlin for;

**Date:** **June 3rd 2023,**
**Location:** **357 Cleveland Avenue, West Berlin NJ 08091**

**Type Raffle:** **Off- Premises Draw Raffle**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of an Off Premise Raffle licenses to West Berlin Lions Club Foundation.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-64. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-65 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INFORMATION TECHNOLOGY AGREEMENT WITH MCM TECH SOLUTIONS.**

**BE IT RESOLVED,** by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign a one year agreement with MCM Tech Solutions for the maintenance, support and services associated with its information technology infrastructure (IT).

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-65. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-66 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH VOORHEES ANIMAL ORPHANAGE FOR SHELTER SERVICES.**

**BE IT RESOLVED,** that the Mayor and Council of the Township of Berlin hereby authorizes the Mayor to execute an agreement between Voorhees Animal Orphanage and the Township of Berlin.

**BE IT FURTHER RESOLVED,** that the contract expires on December 31, 2023, and the contract amount is $510.00 monthly.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-66. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-67 RESOLITION AUTHORIZING THE BERLIN TOWNSHIP THROUGH THE BERLIN TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE BERLIN TOWNSHIP POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT.**

**WHEREAS,** the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department personal property by making the personal property available to municipal, county and state law enforcement agencies (LEAs); and

**WHEREAS,** DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS,** participation in the 1033 Program allows municipality and county LEA's to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS,** although property is provided through the 1033 Program at no cost to municipal and county LEA's, these entities are responsible for the cost associated with

delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and
**WHEREAS**, N.J.S.A.40A:5-30.2 requires that the governing body of the municipality or county approve, by majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

**NOW THEREFORE BE IT RESOLVED,** by the Mayor and Council of the Township of Berlin that the Berlin Township Police department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2023 to December 31st 2023; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Berlin Township Police Department is hereby authorized to enroll and to acquire items of non-controlled property designated "DEMIL A" which include, office supplies, office furniture, computers, electronic equipment, generators, field packs, nonmilitary vehicles, clothing, traffic and transit signal system, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction material, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, manned and un-manned vehicle robots and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the need of the Township of Berlin without restriction; and

**BE IT FURTHER RESOLVED** that Berlin Township Police department is hereby authorized to acquire the following "DEMIL V through Q "property, if it shall become available within the period of time for which this resolution authorized; and

**BE IT FURTHER RESOLVED** that the property available through the program "DEMIL A through Q" is attached hereto; and

**BE IT FURTHER RESOLVED** that the Berlin Township Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Berlin Township Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to public upon request; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire (1 )"DEMILA" property that may be made available through the 1033 Program and (2) "DEMIL B through Q" property of both which that may be made available through the 1033 Program during the time period for which this resolution authorize, with program participation and all property requested

authorization terminating on December 31st of the currant calendar year from January 1, 2023 to December 31, 2023

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-67. Resolution adopted by call of the roll, four members present voting in the affirmative.

## RESOULTION 2023-68 PAYMENT OF BILLS FOR FEBRUARY

**WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the payment of claims after certification by the Treasurer and consideration by Mayor and Council.**

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the following claims detailed below and attached are hereby approved and the bills to be paid.**

**CONFIRMING:**

| Check # | Vendor Name | Charge Account | Amount | |
|---|---|---|---|---|
| 40070 | AMAZON CAPITAL SERVICES | 2-01-20-110-2036 | $ | 323.29 |
| 40070 | AMAZON CAPITAL SERVICES | 2-01-25-240-2036 | $ | 798.30 |
| 40070 | AMAZON CAPITAL SERVICES | 2-01-20-110-2036 | $ | 111.28 |
| 40070 | AMAZON CAPITAL SERVICES | 2-01-20-110-2105 | $ | 360.09 |
| 40046 | ANDREW WADE | 2-01-32-465-2020 | $ | 2,435.00 |
| 40072 | ANTHONY A HOGAN SR. | 3-01-23-220-2092 | $ | 2,041.20 |
| 40072 | ANTHONY A HOGAN SR. | 3-01-23-220-2092 | $ | 2,041.20 |
| 40047 | ATLANTIC CITY ELECTRIC | 2-01-31-435-2075 | $ | 10,958.42 |
| 40047 | ATLANTIC CITY ELECTRIC | 2-01-31-435-2071 | $ | 11,442.27 |
| 35913 | ATLANTIC CITY ELECTRIC | 2-07-55-502-2071 | $ | 2,054.06 |
| 40073 | ATLANTIC CITY ELECTRIC | 2-01-31-435-2071 | $ | 11,191.13 |
| 40073 | ATLANTIC CITY ELECTRIC | 2-01-31-435-2075 | $ | 11,523.47 |
| 40074 | EWING IRRIGATION & LANDSCAPE | 2-01-28-375-2058 | $ | 57.60 |
| 40075 | ATLANTIC SALT INC. | 2-01-26-290-2147 | $ | 7,507.28 |
| 40048 | AT&T MOBILITY | 2-01-31-440-2076 | $ | 690.85 |
| 40076 | AT&T MOBILITY | 3-01-31-440-2076 | $ | 913.42 |
| 40077 | BERLIN TOWNSHIP BD OF ED | 3-01-55-207-0000 | $ | 1,039,489.20 |
| 40078 | CAMDEN COUNTY MAYORS ASSOC. | 3-01-20-110-2044 | $ | 350.00 |
| 40079 | CAMDEN COUNTY DET ASSOCIATION | 3-01-25-240-2044 | $ | 100.00 |
| 40080 | CAMDEN COUNTY MUNICIPAL | 3-01-31-455-2078 | $ | 528.00 |
| 40081 | CAMDEN MUNICIPAL JOINT INS.FND | 3-01-23-210-2090 | $ | 129,133.00 |
| 40081 | CAMDEN MUNICIPAL JOINT INS.FND | 3-01-23-215-2090 | $ | 91,657.00 |
| 40082 | CAMPBELL FOUNDRY COMPANY | 3-01-26-290-2146 | $ | 725.00 |
| 2419 | CARLAMERE & ROWAN | 2020-430 | $ | 100.00 |
| 2419 | CARLAMERE & ROWAN | 2019-00421 | $ | 175.00 |
| 2419 | CARLAMERE & ROWAN | 2018-00229 | $ | 175.00 |
| 40083 | CATHERINE UNDERWOOD | 3-01-55-103-0102 | $ | 100.00 |
| 40084 | CHERRY VALLEY TRACTOR SALES | 2-01-26-315-2025 | $ | 249.00 |
| 40085 | CINTAS CORPORATION | 2-01-26-310-2110 | $ | 1,043.90 |
| 35915 | CINTAS CORPORATION | 2-07-55-502-2072 | $ | 280.00 |

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| 35915 | CINTAS CORPORATION | 2-07-55-502-2106 | $ | 487.30 |
| 40086 | COMCAST | 2-01-26-310-2020 | $ | 91.90 |
| 40086 | COMCAST | 3-01-26-310-2020 | $ | 157.57 |
| 40087 | COURIER POST | 2-01-20-120-2021 | $ | 229.08 |
| 40088 | COVANTA ENERGY LLC | 2-01-32-465-2020 | $ | 15,548.81 |
| 40088 | COVANTA ENERGY LLC | 2-01-32-465-2030 | $ | 558.84 |
| 40089 | COOPER UNIVERSITY HOSPITAL EAP | 3-01-25-240-2093 | $ | 1,575.00 |
| 40090 | DANA O'HARA | 2-01-20-120-2105 | $ | 84.59 |
| 4132 | DELAWARE VALLEY VETERINARY HOS | T-18-56-850-030702 | $ | 348.73 |
| 40049 | DOG WASTE DEPOT | 2-01-28-375-2058 | $ | 193.80 |
| 40091 | ERIAL CONCRETE, INC. | G-02-40-784-0998 | $ | 1,144.00 |
| 40092 | EVOLVE BANK & TRUST | 3-01-55-205-0000 | $ | 956.34 |
| 40093 | GALLS, LLC | 2-01-25-240-2058 | $ | 300.00 |
| 40050 | GENERAL CODE PUBLISHERS | 2-01-20-120-2103 | $ | 10,842.00 |
| 40094 | GREAT AMERICAN SERVICES CORP. | 3-01-20-110-2120 | $ | 128.75 |
| 40094 | GREAT AMERICAN SERVICES CORP. | 3-01-20-120-2022 | $ | 128.75 |
| 40094 | GREAT AMERICAN SERVICES CORP. | 3-01-20-145-2022 | $ | 128.75 |
| 40094 | GREAT AMERICAN SERVICES CORP. | 3-01-20-150-2023 | $ | 45.00 |
| 35916 | GREAT AMERICAN SERVICES CORP. | 3-07-55-502-2022 | $ | 128.75 |
| 40095 | HALE TRAILER | 2-01-26-315-2025 | $ | 79.14 |
| 40096 | HERO OUTFITTERS | 3-01-25-240-2032 | $ | 442.00 |
| 40097 | HOME DEPOT - CREDIT SERVICES | G-02-40-792-2022 | $ | 14,052.08 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-290-2038 | $ | 312.65 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-310-2024 | $ | 60.24 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-310-2109 | $ | 9.36 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-30-420-2105 | $ | 411.84 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-315-2032 | $ | 43.08 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-315-2025 | $ | 122.10 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 2-01-26-290-2105 | $ | 25.00 |
| 40097 | HOME DEPOT - CREDIT SERVICES | 3-01-30-420-2105 | $ | 56.29 |
| 35917 | HOME DEPOT - CREDIT SERVICES | 2-07-55-502-2038 | $ | 507.55 |
| 40098 | HOUPERT TRUCK SERVICE | 2-01-26-315-2025 | $ | 6,298.82 |
| 40099 | HR DIRECT | 2-01-20-120-2105 | $ | 73.22 |
| 40100 | JAMES A. GREGORY | G-02-40-786-1001 | $ | 25.00 |
| 40101 | JAMES I. MOXFORD | 3-01-23-220-2092 | $ | 3,231.90 |
| 40102 | JMA TREE SERVICE | 2-01-26-310-2024 | $ | 650.00 |
| 40103 | J. MICHAEL MCGEE | 3-01-23-220-2092 | $ | 4,082.40 |
| 40104 | JOSEPH L. BATTEN | 3-01-23-220-2092 | $ | 4,082.40 |
| 4047 | KEY ENGINEERS, INC. | C-04-15-860-112602 | $ | 1,447.50 |
| 2420 | KEY ENGINEERS, INC. | 2021-00437 | $ | 625.00 |
| 2420 | KEY ENGINEERS, INC. | 2020-430 | $ | 1,942.50 |
| 40105 | LACAL EQUIPMENT INCORPORATED | 2-01-26-315-2025 | $ | 3,895.93 |
| 40051 | LAWMEN SUPPLY CO OF NEW JERSEY | 2-01-25-240-2032 | $ | 2,270.58 |
| 40051 | LAWMEN SUPPLY CO OF NEW JERSEY | 2-01-25-240-2130 | $ | 70.00 |
| 40052 | LINDA A. DEDRICK | 2-01-43-490-2028 | $ | 200.00 |
| 40053 | LOWE'S | G-02-40-792-2022 | $ | 1,061.97 |
| 40106 | LT. RON SILVESTRO | 3-01-55-103-0103 | $ | 300.00 |
| 40107 | MAJESTIC OIL COMPANY, INC. | 2-01-31-447-2074 | $ | 20,274.24 |
| 40108 | MARVIC SUPPLY | G-02-40-792-2022 | $ | 876.94 |
| 40109 | MATRIX MAINTENANCE SUPPLY | 3-01-26-310-2035 | $ | 1,419.60 |
| 40110 | MCM TECH SOLUTIONS | 2-01-20-130-2028 | $ | 327.49 |
| 40110 | MCM TECH SOLUTIONS | 3-01-20-130-2028 | $ | 493.00 |
| 40110 | MCM TECH SOLUTIONS | 3-01-25-240-2028 | $ | 2,292.00 |
| 81396 | METLIFE | T-18-56-850-020900 | $ | 1,698.00 |

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| 40111 | MICROSYSTEMS-NJ.COM LLC | 3-01-20-150-2028 | $ | 120.00 |
| 40112 | MUNICIPAL CLERKS ASSOC. OF NJ | 3-01-20-120-2042 | $ | 400.00 |
| 40113 | NEW JERSEY PEST MANAGMENT | 3-01-26-310-2042 | $ | 99.00 |
| 40054 | NJSME | 2-01-20-165-2042 | $ | 150.00 |
| 35918 | ONE CALL CONCEPTS, INC. | 2-07-55-502-2107 | $ | 79.35 |
| 40114 | PATRICIA K DAVIS | 3-01-23-220-2092 | $ | 2,041.20 |
| 40115 | Payargo, Inc | 3-01-20-145-2028 | $ | 234.00 |
| 40055 | PHYLLIS MAGAZZU - MARRIAGE | 2-01-25-240-2105 | $ | 3,953.85 |
| 40116 | THE PLATT LAW GROUP, P.C. | 3-01-20-155-2020 | $ | 2,790.00 |
| 40056 | PRIMEPOINT LLC | 2-01-20-130-2028 | $ | 855.25 |
| 40117 | PRINTING PLUS | 3-01-20-165-2023 | $ | 33.00 |
| 40118 | PROGAS INC. | 2-01-31-447-2074 | $ | 24.75 |
| 4131 | PROMO DIRECT | T-18-56-850-029802 | $ | 168.98 |
| 35919 | PRYOR TOOL MFG. INC. | 2-07-55-502-2038 | $ | 405.00 |
| 35920 | PUBLIC WORKS ASSN. OF NJ | 3-07-55-502-2042 | $ | 75.00 |
| 40119 | REGISTRAR'S ASSOCIATION OF NJ | 3-01-20-120-2044 | $ | 25.00 |
| 40057 | REPUBLIC SERVICES, INC. | 2-01-32-465-2020 | $ | 15,115.93 |
| 40120 | REPUBLIC SERVICES, INC. | 3-01-32-465-2020 | $ | 6,049.42 |
| 40121 | RICOH USA, INC | 2-01-20-130-2023 | $ | 523.00 |
| 35921 | SAFETY KLEEN | 2-07-55-502-2024 | $ | 595.93 |
| 40058 | SEARCH EXTERMINATORS | 2-01-26-310-2024 | $ | 700.00 |
| 40059 | SOUTH JERSEY GAS COMPANY | 2-01-31-435-2071 | $ | 1,509.05 |
| 35914 | SOUTH JERSEY GAS COMPANY | 2-07-55-502-2071 | $ | 205.22 |
| 40122 | SOUTH JERSEY GAS COMPANY | 2-01-31-435-2071 | $ | 3,923.41 |
| 40123 | STATE TOXICOLOGY LABORATORY | 3-01-25-240-2093 | $ | 45.00 |
| 40124 | SURETY TITLE CORPORATION | G-02-40-786-1001 | $ | 33.00 |
| 40125 | TCTA MEMBERSHIP SERVICES | 3-01-20-145-2044 | $ | 100.00 |
| 40060 | TD WEALTH MANAGEMENT | 2-01-20-130-2028 | $ | 1,050.00 |
| 40061 | TECHNA-PRO ELECTRIC, LLC | 2-01-26-300-2105 | $ | 550.00 |
| 40126 | THOMAS J. DIGANGI | 3-01-23-220-2092 | $ | 4,082.40 |
| 40127 | THOMAS ALARM SYSTEMS LLC | 2-01-25-240-2058 | $ | 1,420.00 |
| 40128 | TIRE CORRAL OF AMERICA, INC. | 2-01-26-315-2025 | $ | 1,297.72 |
| 2423 | TOWNSHIP OF BERLIN | 2022-00458 | $ | 437.45 |
| 2423 | TOWNSHIP OF BERLIN | 2022-00455 | $ | 67.30 |
| 2423 | TOWNSHIP OF BERLIN | 2022-00454 | $ | 67.30 |
| 2423 | TOWNSHIP OF BERLIN | 2022-00453 | $ | 67.30 |
| 2423 | TOWNSHIP OF BERLIN | 2022-00452 | $ | 2,422.80 |
| 2423 | TOWNSHIP OF BERLIN | 2021-00442 | $ | 100.95 |
| 2423 | TOWNSHIP OF BERLIN | 2021-00441 | $ | 134.60 |
| 2423 | TOWNSHIP OF BERLIN | 2019-00421 | $ | 437.45 |
| 2423 | TOWNSHIP OF BERLIN | 2018-00411 | $ | 538.40 |
| 2423 | TOWNSHIP OF BERLIN | 2018-00406 | $ | 168.25 |
| 2423 | TOWNSHIP OF BERLIN | 2018-00395 | $ | 1,985.35 |
| 2423 | TOWNSHIP OF BERLIN | 2018-00308 | $ | 1,211.40 |
| 2423 | TOWNSHIP OF BERLIN | 2018-00229 | $ | 1,682.50 |
| 40129 | TREASURER STATE OF NEW JERSEY | 3-01-28-375-2031 | $ | 230.00 |
| 1040 | TREASURER,STATE OF NJ/727 GSPT | 3-12-45-920-2105 | $ | 7,469.60 |
| 1040 | TREASURER,STATE OF NJ/727 GSPT | 3-12-45-930-2105 | $ | 303.30 |
| 40130 | TREASURER, STATE OF NJ | 3-01-55-290-0000 | $ | 2,400.00 |
| 1317 | TREASURER, STATE OF NEW JERSEY | T-13-56-852-1002 | $ | 2.40 |
| 40131 | TRIAD ASSCOCIATES | G-02-40-786-1001 | $ | 1,868.75 |
| 40062 | TRI-STATE FIRE PROTECTION, INC | 2-01-26-310-2024 | $ | 6,400.00 |
| 40132 | VAL-U AUTO PARTS | 2-01-26-315-2025 | $ | 1,923.34 |
| 40133 | VAN-AIR & HYDRAULICS, INC | 2-01-26-315-2025 | $ | 36.40 |

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| 40134 | VERIZON | 3-01-31-440-2076 | $ | 1,587.09 |
| 35922 | VERIZON | 2-07-55-502-2076 | $ | 481.98 |
| 40063 | VERIZON COMMUNICATIONS | 2-01-25-240-2028 | $ | 283.00 |
| 40135 | VERIZON COMMUNICATIONS | 3-01-25-240-2028 | $ | 320.33 |
| 40064 | VERIZON COMMUNICATIONS | 2-01-25-240-2028 | $ | 173.32 |
| 40136 | VERIZON COMMUNICATIONS | 3-01-25-240-2028 | $ | 180.62 |
| 40136 | VERIZON COMMUNICATIONS | 3-01-31-443-2077 | $ | 64.99 |
| 40065 | VERIZON WIRELESS | 2-01-25-240-2028 | $ | 266.11 |
| 40137 | VERIZON WIRELESS | 3-01-25-240-2028 | $ | 266.07 |
| 40138 | VICKI ANGULOT | 3-01-23-220-2092 | $ | 2,041.20 |
| 40139 | VINCENT DEMATTEO | 3-01-23-220-2092 | $ | 4,082.40 |
| 40140 | VOORHEES TOWNSHIP | 3-01-42-999-1025 | $ | 6,500.00 |
| 40066 | WADE SALVAGE, INC. | 2-01-32-465-2020 | $ | 414.80 |
| 40067 | WALMART COMMUNITY/GEMB | 2-01-20-110-2105 | $ | 866.51 |
| 40067 | WALMART COMMUNITY/GEMB | 2-01-26-310-2024 | $ | 24.89 |
| 40142 | WALSH, LAWRANCE | 3-01-23-220-2092 | $ | 2,041.20 |
| 40068 | W.B. MASON | 2-01-20-165-2036 | $ | 62.78 |
| 40068 | W.B. MASON | 2-01-20-130-2036 | $ | 77.70 |
| 40143 | W.B. MASON | 2-01-20-120-2036 | $ | 1,118.88 |
| 40143 | W.B. MASON | 2-01-43-490-2036 | $ | 249.47 |
| 40143 | W.B. MASON | 3-01-25-240-2036 | $ | 859.60 |
| 35923 | W.B. MASON | 3-07-55-502-2036 | $ | 93.36 |
| 40144 | WHARTON LANDSCAPE SUPPLIES | G-02-40-792-2022 | $ | 140.00 |
| 40069 | WINSLOW RENTAL | 2-01-28-375-2058 | $ | 437.45 |
| 40145 | WINSLOW RENTAL | G-02-40-792-2022 | $ | 175.00 |
| 40146 | XTEL COMMUNICATIONS INC | 3-01-31-440-2076 | $ | 502.62 |

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-68. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2023-69 RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR PROGRAM YEAR 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.**

**WHEREAS**, the Camden County Improvement Authority provides funding for certain infrastructure improvements or services under the Community Development Block Grant funding; and

**WHEREAS**, the Governing Body has chosen to submit an application for Program Year 2023; and

**WHEREAS**, the governing body has agreed to apply for funding for the following projects:

> **Project: Accessibility and Inclusive Play Improvements and Expansion of the Playground at the Luke Avenue Recreation Complex.**

**NOW THEREFORE BE IT RESOVED** by the Governing Body of Berlin Township that the Mayor is hereby authorized to sign the Project Description Form for Program Year 2023 along with the Community Development Grant Agreement.

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2023-69. Resolution adopted by call of the roll, four members present voting in the affirmative.

**Mercantile Approvals**

**1) Paul Bergantino, LIFEWAY MOBILITY,** 423 Commerce Lane Units 6&7. Offices and Warehouse for an accessibility/mobility solution company.

**2) Francis Cloud, A Could Welding LLC,** 570-576 Route 73 North**.** Metal Fabrication, railings, stairs and misc**.**

**3) Thomas P. Ashton, Fat Tomato Bistro,** 175 Route 73 North. Restaurant.

**4) Shangan OU, Osaka,** 187 Route 73, A Japanese Restuarant.

**5) Michael Wang, Five Below.** 200 Route 73 North. Specialty Value retailer selling novelty items.

**6) Ali Kol, Ilkemm Marble and Granite Inc.** 545 Route 73 North**.** Warehouse and Sales Showroom center.

7) **JMA Landscaping.** James Chicano, Landscaping irrigation Co.

Motion by Council President, second by Councilman Reid to adopt the Mercantile license above. Resolution adopted by call of the roll, four members present voting in the affirmative.

**Consent Agenda for December 2022 and January 2023**

Motion by Councilman Epifanio, second by Council President Bodanza to approve the Consent Agenda for December 2022 and January 2023 Motion carried by voice vote, four members present voting in the affirmative.

**Correspondence Calendar for December 2022 and January 2023**

Motion by Councilman Reid, second by Councilman Epifanio to approve the Correspondence Calendar for December 2022 and January 2023. Motion carried by voice vote, four members present voting in the affirmative.

**Approval of the Meeting Minutes from December 19, 2022.**

Motion by Council President Bodanza second by Councilman Epifanio to approve the Meeting Minutes for December 19, 2022. Motion carried by voice vote, four members present voting in the affirmative.

**Approval of the Reorganization Meeting Minutes from January 2, 2023.**
Motion by Councilman Reid second by Councilman Epifanio to approve the Meeting Minutes for January 2, 2023. Motion carried by voice vote, four members present voting in the affirmative.

**Approval of the Special Meeting for Police Department Promotions from January 17, 2023.**
Motion by Councilman Reid second by Council President Bodanza to approve the **Special** Meeting Minutes for January 17, 2023. Motion carried by voice vote, four members present voting in the affirmative.

**All Other Business**

**1) Berlin Township Historical Association Event February 25th Music Tribute "What's Going On" 11:00am to 3:00pm at the Berlin Township Municipal Building.**

**Public Portion**

Motion by Council President Bodanza, second by Councilman Reid to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.
Montebello Resident thanked the police and emergency response team who recently responded to his resident. He stated that they were quick to respond to his home and were very accommodating, just a great group of individuals.

Councilman Epifanio remarked that he recently had them at his house and agrees that Berlin Township is lucky to have them.

No more comments were to be heard

Motion by Council President Bodanza, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comment.

**Adjourn**
Motion by Councilman Epifanio, second by Council President Bodanza to adjourn the meeting at 5:45 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 5:45 pm

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Catherine Underwood
Berlin Township RMC