

TOWNSHIP COMMITTEE MEETING – MARCH 20, 2006

7:30 PM MUNICIPAL BUILDING 770 COOPERTOWN ROAD, DELANCO NJ

ROLL CALL: Devinney, present; DiCarlo, present; Hinkle, present; Ouellette, present; Fitzpatrick, absent

Also Present: Twp. Administrator, Mr. Steven Corcoran; Municipal Clerk, Mrs. Janice Lohr; Deputy Municipal Clerk, Karen Zimmermann; Chief of Police, Chief Parsons

FLAG SALUTE

Deputy Mayor Jackie DiCarlo led the flag salute.

SUNSHINE STATEMENT

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner. Written notice has been mailed to the Burlington County Times and the Courier Post and published in the January 3, 2005 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

MOMENT OF SILENCE

Deputy Mayor Jackie DiCarlo asked for a moment of silence for Mrs. Marjorie Heal who passed away.

ORDINANCE 2006-4

AN ORDINANCE DELETING SECTION 100-37 "STORMWATER MANAGEMENT" OF CHAPTER 100 "SUBDIVISION OF LAND" OF THE "LAND USE PROCEDURES" CONTAINED IN PART II OF THE CODE OF THE TOWNSHIP OF DELANCO AND ADOPTING A NEW SECTION 100-37 ENTITLED "STORMWATR MANAGEMENT"

§100-37 Stormwater Management

A. General

- (1) It is hereby determined that the waterways within the Township of Delanco are at times subjected to flooding-, that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the Township of Delanco, the County and the State; that development tends to accentuate flooding by increasing storm water runoff, due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of waterborne pollutants, and tends to increase channel erosion; that such increased flooding, increased erosion, and increased pollution constitutes deterioration of the water resources of the Township of Delanco, the County and the State; and that such increased flooding, increased erosion and increased pollution can be controlled to some extent by the regulation of storm water runoff from such development.
- (2) Design of the storm water management system shall be consistent with general and specific concerns, values and standards of the municipal Master Plan and applicable county, regional and state storm drainage control programs, including Mosquito Commission control standards, if applicable. Design shall be based on environmentally sound site planning and engineering techniques.

- (3) The best available technology shall be used to minimize off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to groundwater and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales.

B. Purpose

- (1) It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in §100-37.1.

C. Applicability

- (1) This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Non-residential major developments; and
 - (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (2) This ordinance shall also be applicable to all major developments undertaken by the Township of Delanco.

D. Compatibility with Other Permit and Ordinance Requirements

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

§100-37.1 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

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

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

A county planning agency;

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

“Department” means the New Jersey Department of Environmental Protection.

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

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

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

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

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

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

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

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land or would create one-quarter acre or more of impervious surface. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means the Township of Delanco.

- “Node” means an area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.
- “Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.
- “Person” means any individual, corporation, company, partnership, firm, association, the Township of Delanco, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- “Pollutant” 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.
- “Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.
- “Site” means the lot or lots upon which a major development is to occur or has occurred.
- “Soil” means all unconsolidated mineral and organic material of any origin.
- “State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.
- “State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.
- “Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.
- “Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.
- “Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).
- “Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Time of Concentration” is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

“Total suspended soils” The sum of dissolved and undissolved solids and particulate matter of a buoyancy and/or specific gravity that prohibits their settling in runoff;

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

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

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

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

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

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

§100-37.2 General Standards

A. Design and Performance Standards for Stormwater Management Measures

- (1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in §100-37.3. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- (2) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

- (3) For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this Section except to the extent the RSIS are superseded by this Section or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with the rules of the New Jersey Department of Environmental Protection.

§100-37.3 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §100-37.
- B. Stormwater management measures shall avoid the adverse impacts on habitat for threatened and endangered species in Delanco Township including, but not limited to the foraging area of the Bald Eagle, which has been documented in the New Jersey Department of Environmental Protection's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150.
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §100-37.3 (F) and (G).
 - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §100-37.3 (F) and (G) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of §100-37.3 (F) and (G) to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of §100-37.3 (F) and (G) existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §100-37.3 (D)(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §100-37.3 (F) and (G), that were not achievable on-site.
- E. Nonstructural Stormwater Management Strategies

- (1) To the maximum extent practicable, the standards in §100-37.3 (F) and (G), shall be met by incorporating nonstructural stormwater management strategies set forth at §100-37.3 (E) into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project.
 - (a) The applicant shall submit a completed New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) worksheet with the land development application demonstrating that sufficient nonstructural stormwater management measures have been provided for the project.
 - (b) If the NSPS worksheet fails to demonstrate such compliance or the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in §100-37.3 (E) (2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention. A completed Low Impact Development (LID) Checklist shall then be submitted providing alternatives analysis for each measure.
 - (c) The NSPS worksheet can be obtained from the Department by visiting the following webpage: www.njstormwater.org. The LID Checklist is contained in Appendix A of the New Jersey Stormwater Best Management Practices Manual, which can also be obtained at the aforementioned webpage.
- (2) Nonstructural stormwater management strategies incorporated into site design shall:
 - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - (c) Maximize the protection of natural drainage features and vegetation;
 - (d) Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - (e) Minimize land disturbance including clearing and grading;
 - (f) Minimize soil compaction;
 - (g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - (h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - (i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - [1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy §100-37.3 (E)(3) below;
 - [2] Site design features that help to prevent discharge of trash and debris from drainage systems;

- [3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (3) Site design features identified under §100-37.3 (E)(2)(i)[2] above 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 §100-37.3 (E)(3)(c) below:

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

- [1] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- [2] A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- (b) Whenever design engineers use a curb-opening inlet, 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.

- (c) This standard shall not apply under the following conditions or situations:

- [1] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- [2] Where flows from the water quality design storm as specified in §100-37.3 (G)(1) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- [a] A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
- [b] A bar screen having a bar spacing of 0.5 inches.

- [3] Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in §100-37.3 (G)(1); or

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

- (4) Any land area used as a nonstructural stormwater management measure to meet the performance standards in §100-37.3 (F) and (G) shall be dedicated to a government agency, subjected to a conservation restriction filed with the Burlington County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in §100-37.6, or found on the New Jersey Department of Environmental Protection's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

- (1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - (a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - (b) The minimum design and performance standards for groundwater recharge are as follows:
 - [1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §100-37.3, either:
 - [a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - [b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - [2] This groundwater recharge requirement does not apply to projects within an "urban redevelopment area," or to projects subject to [3] below.
 - [3] The following types of stormwater shall not be recharged:
 - [a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- [b] Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- [4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- (c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §100-37.3, complete one of the following:
- [1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- [2] 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 two, 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;
- [3] 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
- [4] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with [1], [2] and [3] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

Any application for a new agricultural development that meets the definition of major development at §100-37.1 shall be submitted to the Burlington County Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Burlington Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, “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 manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

(1) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- (2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual and other sources of technical guidance may be obtained from the address identified in §100-37.6, or found on the Department's website at www.njstormwater.org. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.
- (3) 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:

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

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

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	50-90
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

- (4) If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site

shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in §100-37.3 (F) and (G).

- (6) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (7) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas have been established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - (a) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - [1] A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
 - [2] Encroachment within the designated special water resource protection area under Subsection [1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
 - (b) All stormwater shall be discharged outside of but may flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the “Standards For Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
 - (c) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
 - [1] Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - [2] Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;

- [3] Temperature shall be addressed to ensure no impact on the receiving waterway;
 - [4] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - [5] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - [6] All encroachments proposed under this section shall be subject to review and approval by the Department.
- (d) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to §100-37.4 (G)(7) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to §100-37.4 (G)(7) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in §100-37.4 (G)(7)(a)(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- (e) Section §100-37.4 (G)(7) does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

§100-37.4. Calculation of Stormwater Runoff and Groundwater Recharge

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

- (1) The design engineer shall calculate runoff using one of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - (b) NRCS Computer Program for Project Formulation – Hydrology, Technical Release No. 20 (TR-20); or
 - (c) HEC-HMS Hydrology Modeling System, version 2.2, May 2003, Hydraulic Engineering Center, published by the U.S. Army Corps of Engineers, used in appropriate conditions with appropriate values; or
 - (d) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The use of the Rational Method and Modified Rational Method is limited to drainage areas of 20 acres or less with generally uniform surface cover and topography.
- [1] The Rational and Modified Rational Methods are most accurate when dealing with uniform drainage areas. Design engineers may divide non-uniform drainage areas into “uniform” sub-drainage areas and calculate the runoff from each of

these areas separately, or they may use the weighted average technique for a composite drainage area. Design engineers may use runoff coefficients from the following sources, incorporated herein by reference:

- [a] Table 7.1 “Typical Runoff Coefficients (C Values) for 100-year Frequency Storm” of the Residential Site Improvement Standards at N.J.A.C. 5:21, February 7, 2005, as supplemented or amended to date.
 - [b] HEC-22 Urban Drainage Design Manual, Second Edition, FHWA-NHI-01-021, August 2001, U.S. Department of Transportation, Federal Highway Administration, as supplemented or amended to date.
 - [c] New Jersey Department of Transportation (NJDOT) Roadway Design Manual, November 2001, as revised through March 28, 2003.
- [2] Design engineers may estimate time of concentration (t_c) for storm sewers with Figure 7.1 “Time of Concentration” of the Residential Site Improvement Standards, N.J.A.C. 5:21, February 7, 2005, as supplemented or amended to date. For other purposes, design engineers shall use the procedures outlined in Chapter 3 of the runoff calculation method in §100-37.4 (A)(1)(a).
- [3] Rainfall intensity as a function of duration and storm frequency shall be based upon Figure 7.2 “Rainfall Intensity Curves” of the Residential Site Improvement Standards, N.J.A.C. 5:21, February 7, 2005, as supplemented or amended to date, and/or local rainfall frequency data, where available, for the 2-, 10-, 25- and 100-year storm events. Design engineers may substitute local rainfall frequency data, when available. Design engineers shall use cumulative and incremental rainfall distributions listed in Table 1 of §100-37.3 (G) for the water quality design storm.
- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at §100-37.4 (A)(1)(a) and the Rational and Modified Rational Methods at Section §100-37.4 (A)(1)(d). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area

- modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
 - (6) In using the NRCS methods for computation of stormwater runoff, the DELMARVA unit hydrograph shall be utilized in areas defined in the New Jersey Department of Agriculture, State Soil Conservation Committee, Technical Bulletin 2004-2.0, adopted on July 12, 2004.
 - (7) Design storm rainfall depths for use in the NRCS methods shall comply with the NRCS 24 hour Design Storm Rainfall Depths Table (NJ), Revised 2004, as supplemented or amended to date.

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

- (1) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

C. Design of storm sewer systems, culverts, channels or other conveyance structures shall be based on the peak rate of discharge. These facilities shall be designed, at a minimum, for the following storm frequencies:

- (1) Ten-year storm for storm drain systems where excess flow, up to the 100-year storm, can continue downgrade in the street and not exceed the gutter capacity. Also, 10-year storm shall be used at low points in storm drain systems with overland relief that is routed through the stormwater quantity control structure.
- (2) Twenty-five year storm where flow in a storm drain is totally carried by pipe when conditions under 100-37.4C(1) above do not apply, provided overland relief up to the 100-year storm is routed through the stormwater quantity control structure.
- (3) Twenty-five year storm for culvert design where the culvert will be located in streams shown on the New Jersey State Atlas or the United States Coast and Geodetic Survey Maps. Culverts with an upstream drainage area of 50 acres or more shall be designed to accommodate the 100-year frequency storm in accordance with Flood Hazard Control Regulations, N.J.A.C. 7:13-2.16.
- (4) Twenty-five year storm for open channels where the upstream drainage area is less than 50 acres. When the upstream drainage area is 50 acres or more, open channels shall be designed to accommodate the 100-year frequency storm in accordance with Flood Hazard Control Regulations, N.J.A.C. 7:13-2.16.

§100-37.5 Standards for Structural Stormwater Management Measures

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

- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and

- texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
- (2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §100-37.7(B).
 - (3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 - (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
 - (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at §100-37.7 and the standards of N.J.A.C. 5:21-7.8.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by §100-37.3 of this ordinance.
- C. Manufactured treatment devices may be used to meet the requirements of §100-37.3 of this ordinance, provided the New Jersey Corporation verifies the pollutant removal rates for Advanced Technology and certified by the Department.

§100-37.6 Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed at (1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 - (2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
- (1) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of

these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4.

- (2) The Rutgers Cooperative Extension Service, 732-932-9306; and
- (3) The Burlington County Soil Conservation District located at Tiffany Square, Suite 100, 1289 Route 38 Hainesport, NJ 08036 (609) 267-7410.

§100-37.7 Safety Standards for Stormwater Management Basins

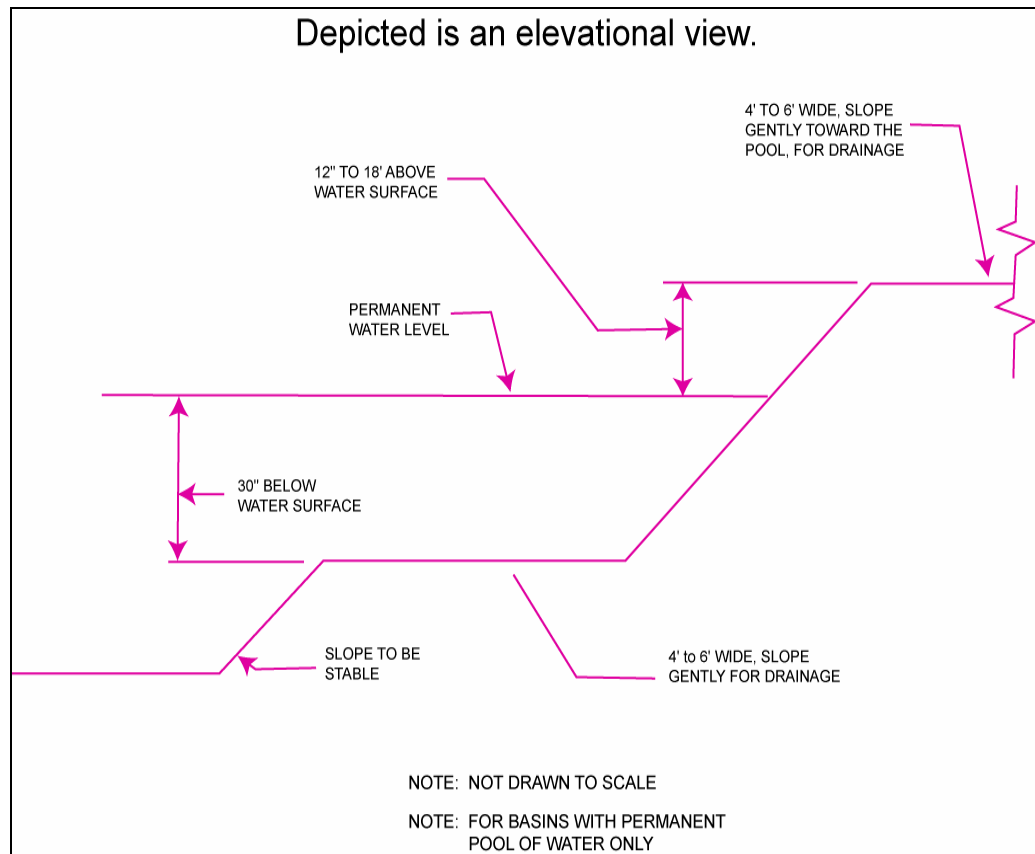
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - (d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
 - (3) For purposes of this paragraph, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - (a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in §100-37.7(C) 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 basins having a permanent pool of water deeper than two and one-half feet. Such 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 §100-37.7 (D) for an illustration of safety ledges in a stormwater management basin.
- (c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

- (1) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



§100-37.8 Pipe Capacity, Materials and Placement

- A. Design of open-channel or closed conduit stormwater conveyance systems shall be designed and constructed in accordance with N.J.A.C. 5:21-7.3, as supplemented or amended to date.

§100-37.9 Inlets, Catch Basin, Manholes and Outlets

- A. Stormwater structures including inlets, catch basins and manholes shall be designed and constructed in accordance with N.J.A.C. 5:21-7.3, as supplemented or amended to date.
- B. In order to allow the municipality to plan for storm conveyance system management, the name of the municipality, the year, and the words “STORM SEWER” shall be cast integrally in all manhole covers.
- C. Inlets and catch-basins which may connect or ultimately discharge to a municipal stormwater conveyance system and/or waterbody (ditch, creek, stream, lake, pond, river, etc.) shall be labeled with a graphic and text complying with the requirements of the current Township storm drain inlet labeling program and/or at the direction of the Public Works Department (e.g. “NO DUMPING, DRAINS TO RIVER”).

§100-37.10 Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §100-37.10 (C) as part of the submission of the applicant's application for subdivision or site plan approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (3) The applicant shall submit 13 copies of the materials listed in the checklist for site development stormwater plans in accordance with §100-37.10 (C) of this ordinance.

B. Site Development Stormwater Plan Approval

- (1) The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the engineer retained by the Joint Land Use Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

(1) Topographic Base Map

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

(2) Environmental Site Analysis

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

(3) Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of areas of impervious surface including, but not limited to existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §100-37.2 through sections §100-37.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map

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

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

(6) Calculations

- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §100-37.3.
- (b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §100-37.3.

(8) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the Joint Land Use Board engineer, waive submission of any of the requirements in §100-37.10 (C)(1) through (C)(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

(9) Site Plan Checklist

Major development applications shall require the Applicant shall complete and submit a copy of the Site Conditions Checklist, which can be found immediately following this Section.

Delanco Township- Site Conditions Checklist			
In addition to the prescribed information in §100-37.7: Requirements for a Site Development Stormwater Plan, Part C- Checklist Requirements, the following elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:			
Yes	No	Not Applicable	
			Hydrology
			Perennial or intermittent streams as shown on the USGS 7.5 Minute Quadrangle Maps and as indicated in the Soil Survey of Hunterdon County, New Jersey
			Special water resource protection areas along all waters designated Category One at N.J.A.C. 7:9B and perennial/intermittent streams that drain into/upstream of the Category One waters as shown on the USGS Quad Maps Soil Survey
			Wetlands, NJDEP Linear Non-Tidal Wetlands, Marshlands and NJDEP Letter of Interpretation findings FEMA Q3 Flood Data 100 Year-Floodplains and Floodways
			Boundaries and Buffers
			Appropriate buffers to streams, rivers, wetlands, marshlands, ponds, lakes and other water bodies as specified in pertinent “ordinances, rules, regulations, statutes or other provisions of law imposed by local, County, State or Federal agencies”
			Existing and proposed bearing and distances of property lines
			Existing and proposed conservation, maintenance, construction, reconstruction, sight, utility,

Delanco Township- Site Conditions Checklist			
In addition to the prescribed information in §100-37.7: Requirements for a Site Development Stormwater Plan, Part C- Checklist Requirements, the following elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:			
			drainage and right-of way easements and dedications
			Vegetation and Landscaping
			Pervious and vegetated surfaces, i.e. woodlands, grasslands and other significant natural features
			Native and invasive stands of vegetation
			Vegetated habitat for Threatened and Endangered Species
			Geology and Soils
			Steep slopes (10% or greater)
			Colloidal soils
			Highly erodible soils, with an erodibility factor (K) of .40 or greater
			Seasonal high water table
			Soils subject to dynamic compaction and compacted soil
			Geology and Soils
			Shrink swell potential
			Deeply fractured bedrock
			Hardpans and plough pans
			Existing Man Made Structures and Activities
			Existing buildings and significant permanent manmade features
			Roads by classification, parking areas and other impervious surfaces
			Bridges and culverts
			Utilities, sub-surface and above ground mining / quarry operations and blasting areas
			Acid or other hazardous runoff
			Areas of fill and buried debris
			Wellheads and associated ground water withdrawals
			Pipes, discharges and BMP's of existing stormwater utilities
			Groundwater mounding
			Septic systems and wells of adjacent lots
			Leaking sanitary lines
			Previous land use (agricultural, industrial, commercial)

§100-37.11 Maintenance and Repair

A. Applicability

- (1) Projects subject to review as in §100-37 (C) shall comply with the requirements of §100-37.9 (B) and (C).

B. General Maintenance

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (3) Responsibility for maintenance shall not be assigned or transferred to the municipality in a residential development or project unless approved by the Joint Land Use Board. Responsibility for facilities located in institutional, industrial, commercial or other non-residential development sites shall be the owner of the site. A named individual shall be responsible for the safety and maintenance of said facility. The posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 shall be required for all facilities not dedicated to the municipality or other public agency.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- (5) If the person responsible for maintenance identified under §100-37.11 (B)(2) above is not a public agency, the maintenance plan and any future revisions based on §100-37.11 (B)(8) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including 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 nonvegetated linings.
- (7) The person responsible for maintenance identified under §100-37.11 (B)(2) above shall 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.
- (8) The person responsible for maintenance identified under §100-37.11 (B)(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed, and submit such changes for approval by the Township Engineer.

- (9) The person responsible for maintenance identified under §100-37.11 (B)(2) above shall 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 §100-37.11 (B)(7) and (B)(8) within 10 days of such a request.
- (10) The requirements of §100-37.11 (B)(4) and (B)(5) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (11) 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.

C. Nothing in this section shall preclude Delanco Township from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§100-37.12 Penalties

- A. Failure to comply with any provisions of this Section shall be considered a violation of the Coded Ordinances of Delanco Township. Any person, firm or corporation found to be in violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II of Delanco’s adopted Code, entitled “General Penalty”.

§100-37.13 Effective Date

- A. This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

§100-37.14 Severability

- A. 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.

§100-37.15 Fees

- A. All subdivision and site plan review fees associated with this ordinance shall be provided by the applicant as adopted by the Township Committee and established within Chapter 60 (Fee and Escrow Schedule) of the Code.

***2ND READING AND PUBLIC HEARING**

HEARING OPEN TO THE PUBLIC

Deputy Mayor Jackie DiCarlo opened the hearing to the public.

HEARING CLOSED TO THE PUBLIC

Since there were no comments or questions from the public, Deputy Mayor Jackie DiCarlo closed the hearing to the public.

Motion by Ed Devinney, seconded by Fern Ouellette to adopt Ordinance 2006-4

Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

CONSENT AGENDA ITEMS:

(“Consent Agenda items are considered to be routine and will be enacted with a single motion. Any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.”)

Deputy Mayor Jackie DiCarlo removed Ordinance 2006-5, Resolution 2006-52, Resolution 2006-56 and Resolution 2006-58 from the Consent Agenda for further discussion.

ORDINANCE 2006-05

**AMENDING CHAPTER 237, GOVERNING SEWER CONNECTIONS, TO PROVIDE PENALTY AND ENFORCEMENT PROVISIONS
1ST READING BY TITLE ONLY AND SET THE PUBLIC HEARING DATE FOR APRIL 3, 2006**

ORDINANCE 2006-6

**SPECIAL EMERGENCY – CODIFICATION
1ST READING BY TITLE ONLY AND SET THE PUBLIC HEARING DATE FOR APRIL 3, 2006**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred for codification services, and;

WHEREAS, N.J.S. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth or one-third of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delanco, in the County of Burlington, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-55:

1. An emergency appropriation be and the same is hereby made for Codification services in the total amount of \$15,000
2. That said emergency appropriation shall be provided for in full in the budgets of the next succeeding years by the inclusion of not less than \$3,000 in each of the next succeeding annual budgets.

RESOLUTION 2006-52

AUTHORIZING THE PURCHASE OF ELECTRONIC CODE SERVICES

RESOLUTION 2006-53

AUTHORIZING THE AMOUNT OF THE AWARD OF CONTRACT FOR

**PROFESSIONAL SERVICES THROUGH THE FAIR AND OPEN
COMPETITIVE PROCESS**

WHEREAS, there exists the need for a Township Solicitor, Township Auditor,
AND Township Planner/Landscape Architect, and;

WHEREAS, funds are available for this purpose; and

WHEREAS, the contracts are awarded through a fair and open process pursuant
to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township has certified that this meets the statute and regulations
governing the award of said contracts.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the
Township of Delanco, county of Burlington and State of New Jersey that:

Section 1. The Mayor and Township Clerk are hereby authorized and directed to
execute the agreements with Douglas Heinold, Esq., as Township Solicitor, Robert
Stewart as Township Auditor, and Scott Taylor as Township Planner/Landscape
Architect subject to review of the rate schedules and approval by the Township
Committee as to the respective contract.

RESOLUTION 2006-54

**AUTHORIZING ONE MONTH EXTENSION OF APPOINTMENT FOR
TOWNSHIP ENGINEER TO APRIL 30, 2006**

WHEREAS, there exists the need for a Township Engineer; and

WHEREAS, the Township Committee had previously appointed an engineer
from Birdsall Engineering to serve as Township Engineer for the term of 1/1/06 through
3/31/06 until such time as a Township Engineer was appointed under the Fair and Open
contract; and

WHEREAS, the Township Committee is currently reviewing proposals for the
position of Township Engineer received under the "Fair and Open" bidding process,
and;

WHEREAS, it is the desire of the Township Committee to extend said
appointment to April 30, 2006 until such time that the review of the proposals received
under the "Fair and Open" process is completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the
Township of Delanco, county of Burlington and State of New Jersey that the Township
Committee hereby appoints Kathy Elliott of Birdsall as Township Engineer for a period
of one month from April 1, 2006 to April 30, 2006.

RESOLUTION 2006-55

ADOPTING PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of Township of Delanco to treat employees and prospective
employees in a manner consistent with all applicable employment laws and regulations including,
but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity
Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the
Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with
Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act,
the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the
New Jersey Attorney General's guidelines with respect to Police Department personnel matters,
the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget
Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee had previously adopted personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations under previous Resolution 2004-53, and;

WHEREAS, the Township of Delanco is a member of the Burlington County Joint Insurance Fund, which requires its members update their personnel policies and procedures consistent with relevant laws.

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee by resolution.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Parker, McCay & Criscuolo, P.A. is hereby appointed as Employment Attorney to advise the Township in personnel matters.

BE IT FURTHER RESOLVED that the Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Township Clerk and the Employment Attorney shall assist the Township Administrator in the implementation of the policies and procedures in this manual.

RESOLUTION 2006-56

ADOPTING POLICIES AND PROCEDURES FOR USE OF TOWNSHIP MUNICIPAL BUILDING AND "ZURBRUGG MANSION"

RESOLUTION 2006-57

AUTHORIZING THE AWARD OF A NON-COMPETITIVE AND OPEN CONTRACT FOR MASTER PLAN SERVICES

WHEREAS, the Township Committee of the Township of Delanco has a need to acquire Master Plan preparation services as a non-competitive and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Township Committee has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended at times as approved by this governing body; and

WHEREAS, Taylor Design Group has submitted a proposal dated March 8, 2006 indicating they will provide the Master Plan preparation services for \$32,325; and

WHEREAS, Taylor Design Group has completed and submitted a Business Entity Disclosure Certification which certifies that Taylor Design Group has not made any reportable contributions to a political or candidate committee in the Township of Delanco with the elected officials in the previous one year, and that the contract will prohibit Taylor Design Group from making any reportable contributions through the term of the contract, and

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delanco authorizes the Mayor or Deputy Mayor to enter into a contract with Taylor Design Group as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of said action shall be published in the Burlington County Times as required by law.

RESOLUTION 2006-58

AUTHORIZING RELEASE AND DISCHARGE OF PERFORMANCE BOND ON BLOCK 1900, LOT 7.02

RESOLUTION 2006-59

AUTHORIZING EXECUTION OF INTERLOCAL SERVICES AGREEMENT WITH THE DELANCO SEWERAGE AUTHORITY

WHEREAS, the *Interlocal Services Act*, N.J.S.A. 40:8A-1 *et seq.*, authorizes and encourages a municipality to enter into contracts for the joint provision within their jurisdictions of any service which either party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco that the Mayor and Township Clerk be and are hereby authorized to enter into and execute the Interlocal Services Agreement with the Delanco Sewerage Authority substantially consistent with the form of Agreement attached hereto and incorporated herein as “Exhibit A”, upon final review and approval of the Township Solicitor for the loan of certain funds in connection with the township’s acquisition of real property.

RESOLUTION 2006-60

SUPPORTING THE TOWNSHIP OF DELANCO'S PARTICIPATION IN THE CLICK IT OR TICKET ENFORCEMENT GRANT

Supporting the Township of Delanco’s Participation in the *Click It or Ticket Enforcement Grant*

May 22 – June 4, 2006

Whereas, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 22 – June 4, 2006 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

Whereas, a further increase in safety belt usage in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Township Committee of the Township of Delanco declares it’s Support for the *Click It or Ticket* campaign May 22 – June 4, 2006 and pledges to increase Awareness of the mobilization and the benefits of safety belt use.

RESOLUTION 2006-61

AUTHORIZING PARTICIPATION IN REGIONAL "SHARE GRANT" STUDY

WHEREAS, the Governing Body of the TOWNSHIP OF WILLINGBORO and BEVERLY CITY, BEVERLY CITY BOARD OF EDUCATION, BURLINGTON CITY, DELANCO TOWNSHIP, DELRAN TOWNSHIP, EASTAMPTON TOWNSHIP, EASTAMPTON TOWNSHIP BOARD OF EDUCATION, EDGEWATER PARK TOWNSHIP, HAINESPORT TOWNSHIP, MAPLE SHADE TOWNSHIP, MAPLESHADE TOWNSHIP BOARD OF EDUCATION, MOUNT HOLLY TOWNSHIP, MOUNT HOLLY BOARD OF EDUCATION, RIVERSIDE TOWNSHIP, SPRINGFIELD TOWNSHIP, TABERNACLE TOWNSHIP, WESTAMPTON TOWNSHIP, AND WRIGHTSTOWN BORO, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local *SHARE* Program in the amount of \$68,828.64; and,

WHEREAS, the TOWNSHIP OF WILLINGBORO has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, and data retrieval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the TOWNSHIP OF DELANCO, that the TOWNSHIP OF DELANCO does hereby join with TOWNSHIP OF WILLINGBORO, BEVERLY CITY, BEVERLY CITY BOARD OF EDUCATION, BURLINGTON CITY, DELRAN TOWNSHIP, EASTAMPTON TOWNSHIP, EASTAMPTON TOWNSHIP BOARD OF EDUCATION, EDGEWATER PARK TOWNSHIP, HAINESPORT TOWNSHIP, MAPLE SHADE TOWNSHIP, MAPLESHADE TOWNSHIP BOARD OF EDUCATION, MOUNT HOLLY TOWNSHIP, MOUNT HOLLY BOARD OF EDUCATION, RIVERSIDE TOWNSHIP, SPRINGFIELD TOWNSHIP, TABERNACLE TOWNSHIP, WESTAMPTON TOWNSHIP, AND WRIGHTSTOWN BORO in applying for a grant for the purpose of a feasibility study; and

BE IT FURTHER RESOLVED that the TOWNSHIP OF DELANCO, agrees to provide its pro rata share of the required local matching funds by way of in-kind services equal to \$449.29 as its contribution to the study's costs.

RESOLUTION 2006-62

RELEASE PERFORMANCE GUARANTEE FOR WILLOW ACRES, L.L.C. FOR THE SITE PLAN IMPROVEMENTS AT THE 2407 BURLINGTON AVENUE PROJECT (BLOCK 1802, LOTS 6 & 6.04)

WHEREAS, Willow Acres, L.L.C. has posted performance guarantee for improvements to 2407 Burlington Ave in Delanco Township; and

WHEREAS, Willow Acres, L.L.C. has notified the Township in writing and has requested that the performance guarantee posted be released.

WHEREAS, Willow Acres, L.L.C. has provided a Performance Guarantee and has notified the Township in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53.d that the required improvements have been completed which are the subject matter of the aforementioned and has requested the release of said Performance Guarantee for said section; and

WHEREAS, the Township Engineer has inspected all the improvements of which notice has been given and has filed a report in writing dated February 6, 2006 with the Township Committee and has recommended that the Township Committee approve the request to release the Performance Guarantee and accept the improvements; and

WHEREAS, the Township Committee has reviewed said request and report and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A.40:55D-53.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delanco, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby releases the aforementioned Performance Guarantee filed for Willow Acres, L.L.C. and accepts the public improvements which are the subject matter of the aforementioned guarantee, said public improvements being particularly described in the estimate attached to the aforementioned Performance Guarantee as set forth in the Engineer's report, provided that Willow Acres, L.L.C. posts a two-year Maintenance Bond in the amount of \$24,546.00 and an escrow amount of \$1,000.00 provided that all applicable escrow charges are current and posted.

2. That the Township Committee, for the aforementioned reasons, hereby declares that the release of the Performance Guarantee is subject to the payment of all outstanding professional review and inspection escrow fees.

RESOLUTION 2006-63

RESOLUTION OF THE TOWNSHIP OF DELANCO, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, URGING RE-INTRODUCTION OF LEGISLATION TO EXEMPT MUNICIPAL CLERKS FROM PENALTIES FOR OPEN PUBLIC RECORDS ACT VIOLATIONS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, A-4063 was introduced during the 2004-2005 legislative session and was failed to be enacted and has subsequently died; and

WHEREAS, A-4063 exempts the municipal clerk from penalties for Open Public Records Act violations under certain circumstances; and

WHEREAS, currently under the Open Public Records Act, (OPRA) the municipal clerk is held responsible for not fulfilling the request, even when the record is in the possession of another official; and

WHEREAS, the proposed legislation would exempt the municipal clerk if it can be proven that a municipal clerk has exercised due diligence in attempting to collect a record requested under OPRA, by documenting at least two attempts to collect the records within seven days of receiving the request; and

WHEREAS, the municipal official in actual possession of the record will be deemed to be the custodian of the requested record, and therefore liable for any violations, penalties or disciplinary proceedings that may result from an unreasonable denial of access to the requested record; and

WHEREAS, it is the belief of the Township Committee that the official in possession of the requested record should be the one responsible for violations of the Open Public Records Act and considered custodian of the record; and

WHEREAS, the Mayor and Township Committee of the Township of Delanco urges the State Assembly to reintroduce the amendments to the Open Public Records Act as proposed in A-4063; and

WHEREAS, the Mayor and Township Committee also urges the State Senate to

join the Assembly with companion legislation that would similarly amend the Open Public Records Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Cinnaminson, Burlington County and State of New Jersey, as follows:

That the Township of Delanco, Mayor and Township Committee supports the intent and provisions of the proposed amendments, as proposed in A-4063, to the Open Public Records Act.

That the Township of Delanco, Mayor and Township Committee urges the re-introduction of this legislation during the next legislative session.

That the Township of Delanco, Mayor and Township Committee urges the State Senate to join the Assembly with companion legislation.

PAYMENT OF BILLS

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$163,793.16
PAYROLL	52,048.86
TRUST	21,221.21

GENERAL ACCOUNT – MARCH 20, 2006

22311	ARCH WIRELESS	25.86
22312	BELMONT & CRYSTAL SPRINGS	50.94
22313	CLEAN RENTAL SERVICES INC	244.56
22314	COMMERCE BANK	37,277.50
22315	CITY OFFICE OUTFITTERS	44.70
22316	DELANCO SEWERAGE AUTHORITY	527.00
22317	DELANCO TWP OPEN SPACE ACCT	296.40
22318	ELECTRONIC SECURITY CORP	603.30
22319	EIC INSPECTION AGENCY CORP	447.40
22320	IMPACT TECHNOLOGY SOLUTIONS	1,140.00
22321	MICHELMAN & BRICKER PC	2,176.65
22322	NJ STATE ASSOC OF POLICE CHIEF	240.00
22323	NEXTEL COMMUNICATIONS	615.38
22324	PEDRONI FUEL CO	5,018.35
22325	PSE&G	7,059.30
22326	PARKER MCCAY-ATTORNEYS AT LAW	1,294.75
22327	PUBLIC EMPLOYEES RETIREMENT	13,044.80
22328	POLICE & FIREMENS RETIREMENT	55,413.00
22329	QSCEND TECHNOLOGIES INC	2,370.00
22330	RELIABLE OFFICE SUPPLIES	51.47
22331	RENWICK & ASSOCIATES	6,675.00
22332	SAFETY AUTO REPAIR	130.50
22333	SAMS CLUB 8145	175.00
22334	SOUTH JERSEY SANITATION	9,907.44
22335	STAPLES INC	66.93
22336	TERMINIX INTERNATIONAL	110.00
22337	TREASURER COUNTY OF BURLINGTON	9,119.59
22338	TREASR STATE OF NJ/1981 CNTM	6,108.63
22339	VERIZON WIRELESS	200.20

22340	W W GRAINGER INC	819.85
22341	W B MASON CO INC	663.66
22342	WAYNE DEFEO LLC	1,875.00
TOTAL		\$163,793.16

CURRENT

22309	PAYROLL ACCOUNT	26,045.58
22310	PAYROLL ACCOUNT	26,003.28
TOTAL		\$52,048.86

TRUST

1789	DELANCO TWP CURRENT FUND	39.96
1790	DILWORTH PAXSON LLP	1,022.50
1791	TAYLOR DESIGN GROUP INC	3,747.50
1792	BIRDSALL ENGINEERING INC	7,861.25
1793	CCTS TAX LIENS I LLC	8,550.00
TOTAL		\$21,221.21

APPROVAL OF MINUTES 3/6/06

APPROVAL OF DEPARTMENT REPORTS

APPROVAL OF BUSINESS LICENSE - 2005-51

APPROVAL OF CONSENT AGENDA

Deputy Mayor Jackie DiCarlo asked for approval of the Consent Agenda minus Ordinance 2006-5, Resolution 2006-52, Resolution 2006-56 and Resolution 2006-58. Motion by Joan Hinkle, seconded by Fern Ouellette to approve the consent agenda
Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

ORDINANCE 2006-5

AMENDING CHAPTER 237, GOVERNING SEWER CONNECTIONS, TO PROVIDE PENALTY AND ENFORCEMENT PROVISIONS 1ST READY BY TITLE ONLY AND SET THE PUBLIC HEARING DATE FOR APRIL 3, 2006

1. Committeeman Fern Ouellette expressed his concern regarding the sewer connections with the number of businesses that did not sign on when this was introduced three years ago. Sewerage Authority member and Committeewoman Joan Hinkle stated that two businesses have paid their fair share and the remaining businesses have not. Joan Hinkle explained that the businesses are aware of their responsibility to pay this fair share amount. A discussion ensued. The Township Administrator, Mr. Steven Corcoran stated that the Township would work with the businesses in a fair and equitable fashion for their hook ups.

Motion by Joan Hinkle, seconded by Ed Devinney to introduce Ordinance 2006-5 on first reading and set the public haring date for April 3, 2006.
Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

RESOLUTION 2006-52

AUTHORIZING THE PURCHASE OF ELECTRONIC CODE SERVICES

WHEREAS, it is the desire of the Township Committee of the Township of Delanco to provide electronic access to the Delanco Code; and

WHEREAS, General Code, which provides codification services for the Township of Delanco, is able to provide a seamless link to the Delanco Code from the Delanco Township's website.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that the Township Administrator is hereby authorized to purchase the E-code services from General Code in the amount of \$165 for the initial setup fee and an annual fee of \$335 thereafter.

1. The Township Administrator, Mr. Steven Corcoran explained that this allows the Township to have General Code to codify all the ordinances and codes. This will allow access to all our codes via the website. Mr. Corcoran specified that there will be a disclaimer on page one that this is for reference only.
2. Fern Ouellette questioned whether QSCEND would be able to have this as part of the website.

Motion by Ed Devinney, seconded by Fern Ouellette to adopt Resolution 2006-52

Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

RESOLUTION 2006-56

ADOPTING POLICIES AND PROCEDURES FOR USE OF TOWNSHIP MUNICIPAL BUILDING AND "ZURBRUGG MANSION"

WHEREAS, the Township Committee of the Township of Delanco recognizes that there exists the a need for meeting facilities by various independent clubs and organizations within the township; and

WHEREAS, it is the desire of the Township Committee to make available the use the township's municipal building and the township owned property commonly referred to as the "Zurbrugg Mansion" on Delaware Avenue to non-profit adult organizations within the Township with certain restrictions; and

WHEREAS, there needs to be policies, guidelines and procedures for the use of these facilities to insure the protection of both the members of the organizations that use said facilities and also the facilities.

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the attached Administrative Policy is hereby adopted for the use of the township municipal building and property commonly known as the "Zurbrugg Mansion" on Delaware Avenue by non-profit adult organizations.

Township of Delanco
Administrative Policy
Use of Municipal Building

1. The municipal building is available to any Township of Delanco non profit adult organization.
2. Use is limited to the lobby area and courtroom only.
3. Use is subject to the availability of the requested date.
4. In the case of a conflict the priority will be given to the Township request.
5. A full time Township employee shall be present during all public use.

6. ABSOLUTELY NO FOOD OR BEVERAGES WILL BE PERMITTED IN THE COURT ROOM.
7. A fee of \$50.00 will be required for each use.
8. A Certificate of Insurance naming the Township will be required in the minimum amount of \$500,000.
9. The Township shall be notified two weeks in advance of the hours the front door is to remain open.
10. All lights shall be turned off upon leaving.
11. No furniture is to be moved or removed from any room.
12. The Township will not be responsible for any set up or take down of items for public use.
13. No item shall be placed or hung from any wall, fixture or surface without prior Township approval.
14. No item shall be removed from the building.
15. The Township shall be immediately compensated for any damage or breakage.
16. Failure to follow all rules for use may result in forfeiture of any future use.
17. All requests for use shall be in writing.
18. An application stating the above shall be signed by the organization prior to being given the key.
19. Function must end and the premises vacated by 10:00P.M.
20. It is the responsibility of the organization to notify the Township Administrator or Municipal Clerk as early as possible if the organization will be canceling its meeting.
21. The Township reserves the right to cancel any meeting of a non-profit organization in the event that an official committee, board, authority, or other agency of the township finds it necessary to conduct official business of the township when no other meeting date, time or facility is available that would properly accommodate said township agency.

Township of Delanco
Administrative Policy
Use of Zurbrugg Mansion

1. The Mansion is available to any Township of Delanco non profit adult organization.
2. Use is subject to the availability of the requested date.
3. In the case of a conflict the priority will be given to the Township request.
4. A full time Township employee shall be present during all public use.
5. A fee of \$50.00 will be required for each use.
6. A Certificate of Insurance naming the Township will be required in the minimum amount of \$500,000.
7. The key shall be picked up the day of the activity and must be returned the morning after.
8. The key provided will be for the north portico door.
9. Access will be limited to the main floor only.
10. By order of the Fire Marshall, no access will be permitted in the extension or above the first floor.

11. The fireplaces are sealed and are not to be used.
12. All lights shall be turned off and thermostats set at 55 degrees.
13. No furniture is to be moved or removed from any room.
14. The Township will not be responsible for any set up or take down of items for public use.
15. All furniture shall be placed as found.
16. No item shall be placed or hung from any wall, fixture or surface without prior Township approval.
17. No item shall be removed from the building.
18. The Township shall be immediately compensated for any damage or breakage.
19. Failure to follow all rules for use may result in forfeiture of any future use.
20. All requests for use shall be in writing.
21. An application stating the above shall be signed by the organization prior to being given the key.
22. Function must end and the premises vacated by 10:00P.M.
23. It is the responsibility of the organization to notify the Township Administrator or Municipal Clerk as early as possible if the organization will be canceling its meeting.
24. The Township reserves the right to cancel any meeting of a non-profit organization in the event that an official committee, board, authority, or other agency of the township finds it necessary to conduct official business of the township when no other meeting date, time or facility is available that would properly accommodate said township agency.

1. Committeeman Fern Ouellette questioned:

- the \$50.00 fee for non profit organizations in the Township to use the Municipal Building
- having a full time employee from the Township present during the use of the Municipal Building

A discussion ensued.

2. Committeeman Ed Devinney questioned the fellow committee members about the idea of organizations having to be insured to use the Municipal Building, considering the fact that the Township has an umbrella policy. The Township Administrator, Mr. Steven Corcoran explained that this was a JIF requirement.

The Township Administrator, Mr. Steven Corcoran recommended taking out the words, "full time" and just go with employee. The Township Committee agreed to take the \$50.00 fee out of the procedures for use of the Township Municipal Building.

Motion by Fern Ouellette, seconded by Ed Devinney to adopt Resolution 2006-56 as amended.

Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

RESOLUTION 2006-58

AUTHORIZING RELEASE AND DISCHARGE OF PERFORMANCE BOND ON BLOCK 1900, LOT 7.02

WHEREAS, by Township Resolution adopted June 16, 1961, the Township of Delanco required C & Z Associates, Inc. to post a \$50,000 performance bond as a condition of approval for regarding of their property (now referred to as Block 1900, Lot 7.02) in association with a landfill operation; and

WHEREAS, the subject-matter underlying the Resolution and bond requirement has long since been resolved pursuant to a Consent Order entered in N.J. Dept. of Health v. C & Z Associates, Inc., Docket No. C-2423-69, entered July 10, 1970; and

WHEREAS, the \$50,000 performance bond was posted by a mortgage dated July 12, 1961 and recorded July 31, 1961 in Mortgage Book 762, Page 767; and

WHEREAS, C & Z Associates, Inc. sold their property to Robert T. Winzinger, Inc. by deed dated August 23, 1971 and recorded on August 27, 1971 at Deed Book 1774, Page 809; and

WHEREAS, Winzinger is now under contract of sale with JES Urban Renewal, LLC for a portion of the property in question; and

WHEREAS, the Township desires to release and discharge the performance guarantee and accompanying mortgage referred to above.

NOW, THEREFORE, BE IT RESOLVED by the Township of Delanco, in the County of Burlington, State of New Jersey, that the \$50,000 performance, posted by a mortgage and recorded in Mortgage Book 762, Page 767 is hereby released and discharged; and

BE IT FURTHER RESOLVED that the Township Committee directs the Township Clerk and Township Attorney to provide a certified copy of this Resolution to Peoples Title Agency, Inc., with regard to the closing between Winzinger and JES Urban Renewal.

1. Committeeman Fern Ouellette questioned the refund of the performance bond because at one time this land was a landfill operation. The Municipal Clerk, Mrs. Janice Lohr explained that this bond was C & Z Landfill that doesn't exist anymore. Mrs. Lohr stated that this is showing on a title search and should be discharged from the records. A discussion ensued.
2. Mr. Ouellette asked where the \$50,000 would end up. The Municipal Clerk, Mrs. Janice Lohr stated that there is no money involved and the purpose of this Resolution is to have this bond discharged off the books.

Motion by Joan Hinkle, seconded by Ed Devinney to adopt Resolution 2006-58.

Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

MEETING OPEN TO THE PUBLIC

1. Doug Harris, 441 Larchmont Drive, questioned the increase in the rental inspection fees. The Township Administrator, Mr. Steven Corcoran explained that the fees were increased primarily to handle the operating costs the Township incurs to administer the rental inspections. Mr. Corcoran stated that the Township Committee has agreed to revisit this later in the year.

MEETING CLOSED TO THE PUBLIC

Since there were no further comments or questions from the public, Deputy Mayor Jackie DiCarlo closed the meeting to the public.

CORRESPONDENCE

The Township Municipal Clerk, Mrs. Janice Lohr, stated that she received two letters from the secretary of the Sewerage Authority, regarding two people that were interested in the vacancy on the Sewerage Authority.

COMMENTS – TOWNSHIP ADMINISTRATOR

- thanked the Township Committee for approving the new employee manual on policies and procedures that was required by JIF
- almost ready to connect the Public Works Department to the internet and junctions to the fiber optic cable (\$1200.00)
- worked with Janice Lohr, Chief Parsons, and Nancy Bray to analyze the usage and costs of the copy and fax machines – will wean off the inkjets and replace with laser units
- County is coming out with the 2007 cultural events calendar and if anybody has anything to contribute they must notify the county
- Dobbin's Methodist Church will be having their Easter sunrise service at Gateway Park in Delanco

COMMENTS – DEPARTMENT HEADS

Chief of Police – Chief Parsons

- Click it or Ticket program will begin at the end of May and run for two weeks
- Police Department is getting another bike and they will patrol the County Park and Newton's Landing in the afternoons – VFW will donate the bike

COMMENTS – TOWNSHIP COMMITTEE

Fern Ouellette –

- questioned the status of 501 Burlington Avenue – The Township Administrator; Mr. Steven Corcoran indicated that the Burlington County Bridge Commission is meeting to discuss the options available to satisfy Delanco Township

Ed Devinney – nothing to report

Joan Hinkle –

- met with construction official regarding a new format for permits
- Sewerage Authority changed two of their professionals; engineer and auditor
- questioned when the monuments would be relocated to Gateway Park – would like to have them in place for Memorial Day

Deputy Mayor Jackie DiCarlo asked the Township Administrator, Mr. Steven Corcoran to inform the public regarding the meetings with the architects about the Mansion. Mr. Corcoran explained that the Township Committee asked for RFP's for architects relative to the Mansion and received four back. Mr. Corcoran will make arrangements for them to meet with the Township Committee to discuss their opinions and options for the Mansion. A discussion ensued.

Deputy Mayor Jackie DiCarlo –

- reported that the Women's Club had a very successful Flower Show trip
- Easter Egg Hunt scheduled for Saturday, April 8, 2006 with location to be determined

- planning the new route for the Memorial Day Parade which will end at Gateway Park
- Library Tea on April 1, 2006 with a theme of April Foolery – tickets available at the Library for \$5.00
- Delanco Women's Club fashion show is Sunday, April 23, 2006 from 2:00PM – 4:00PM and will be held at the Mansion on 531 Delaware Avenue in Delanco

The Township Municipal Clerk, Mrs. Janice Lohr, announced that the Spring leaf collection will begin on April 3, 2006 and run through April 21, 2006. The next scheduled collection will be in October. The brush collection will begin the last full week in March and will be collected the last full week of each month through September.

Steve Schofield, 400 Burlington Avenue, questioned whether there would be any road closings as a result of the rerouting of the Memorial Day Parade. Mr. Schofield asked if the residents would be notified of any street closings.

Motion by Joan Hinkle, seconded by Ed Devinney to adjourn the meeting.

Roll Call: Devinney, yes; DiCarlo, yes; Hinkle, yes; Ouellette, yes; Fitzpatrick, absent

Janice M. Lohr, RMC
Municipal Clerk
March 20, 2006