

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL APRIL 12, 2021 AT 5:30 P.M.**

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

**(Meeting held by telephone due to Coronavirus)**

**ROLL CALL**

**Present-** Mayor Magazzu, Council President, Morris, Councilman Epifanio, Councilwoman Bodanza, Councilman Sykes

**Also Present-** Solicitor, Stuart Platt, CFO, Alex Davidson, Chief of Police Wayne Bonfiglio, Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance / Animal Control, Josh Shellenberger.

**Public-** Resident, Carolyn Picciotti

**DEPARTMENTAL REPORTS**

**SECOND READING PUBLIC HEARING ORDINANCE 2021-3 ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 200, ARTICLE XVIII OF THE GENERAL CODE OF THE TOWNSHIP OF BERLIN ENTITLED "STORMWATER CONTROL FOR NONRESIDENTIAL DEVELOPMENT".**

**WHEREAS**, Chapter 200, Article XVIII of the Code of the Township of Berlin ("Township"), entitled "Stormwater Control for Nonresidential Development," establishes Berlin's minimum stormwater management requirements and controls for major development; and

**WHEREAS**, N.J.A.C. 7:8 was recently amended to revise statutory minimum requirements; and

**WHEREAS**, the Mayor and Township Council have determined that Chapter 444 of the Township Code should be amended to comply with the amended minimum standards set forth in N.J.A.C. 7:8; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

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

**SECTION 1:** Chapter 200, Article XVIII, entitled, “Stormwater Control for Nonresidential Development,” is hereby renamed “Stormwater Control” and amended, revised and/or supplemented to add new Sections 146 through 158:

**200-146. Scope and Purpose:**

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 200-147

C. Applicability

1. This ordinance shall be applicable to the following major developments:

- a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Township of Berlin.
  3. The provisions of this Article shall supersede any contradictory provisions of Chapter 200, Articles XVIII, Sections 136 through 145.
  4. This Article shall not apply to any portion(s) of the Township of Berlin which are located within the New Jersey Pinelands Area.

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

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

#### **200-147. Definitions:**

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

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

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

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

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

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

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

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

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

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary

designation, delineated within New Jersey by the United States Geological Survey.

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021.
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 200-149F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

“Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

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

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

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

#### **200-148. Design and Performance Standards for Stormwater Management Measures**

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

#### **200-149. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 200-155.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 200-149P, Q and R:
  - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 200-149 O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 200-149O, P, Q and R to the maximum extent practicable;
  - 3. The applicant demonstrates that, in order to meet the requirements of Section 200-149 O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 200-149 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 200-149 O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater

recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 200-149 O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

[https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).

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

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

<b><u>Best Management Practice</u></b>	<b><u>Stormwater Runoff Quality TSS Removal Rate (percent)</u></b>	<b><u>Stormwater Runoff Quantity</u></b>	<b><u>Groundwater Recharge</u></b>	<b><u>Minimum Separation from Seasonal High Water Table (feet)</u></b>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well<sup>(a)</sup></u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u><math>\frac{2^{(e)}}{1^{(f)}}</math></u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device<sup>(a) (g)</sup></u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System<sup>(a)</sup></u>	<u>80</u>	<u>Yes</u>	<u><math>\frac{Yes^{(b)}}{No^{(c)}}</math></u>	<u><math>\frac{2^{(b)}}{1^{(c)}}</math></u>
<u>Small-Scale Bioretention Basin<sup>(a)</sup></u>	<u>80 or 90</u>	<u>Yes</u>	<u><math>\frac{Yes^{(b)}}{No^{(c)}}</math></u>	<u><math>\frac{2^{(b)}}{1^{(c)}}</math></u>
<u>Small-Scale Infiltration Basin<sup>(a)</sup></u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>=</u>
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*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are after Table 3)*

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

<b><u>Best Management Practice</u></b>	<b><u>Stormwater Runoff Quality TSS Removal Rate (percent)</u></b>	<b><u>Stormwater Runoff Quantity</u></b>	<b><u>Groundwater Recharge</u></b>	<b><u>Minimum Separation from Seasonal High Water Table (feet)</u></b>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes<sup>(b)</sup></u> <u>No<sup>(c)</sup></u>	<u>2<sup>(b)</sup></u> <u>1<sup>(c)</sup></u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter<sup>(b)</sup></u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond<sup>(d)</sup></u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found after Table 3)*

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 200-149O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 200-147;



- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 200-147.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 200-151 B. Alternative stormwater management measures may be used to satisfy the requirements at Section 200-149O only if the measures meet the definition of green infrastructure at Section 200-147. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 200-149 O.2 are subject to the contributory drainage area limitation specified at Section 200-149 O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 200-149 O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 200-149D is granted from Section 200-149 O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper

functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 200-153 C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 200-153; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 2 may be used only under the circumstances described at Section 200-149 O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 200-147 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 200-149 O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 200-149 P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 200-149 O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 200-150 B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 200-149 P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 200-149F. and/or an alternative stormwater management measure approved in accordance with Section 200-149G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 200-149R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 200-149G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 200-149D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 200-149G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 200-149P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 200-149P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 200-149D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, 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.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - 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.

#### Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

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

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

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 200-149P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
  - a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;



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

**200-150. 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 Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 200-150A.1.i and the Rational and Modified Rational Methods at Section 200-150A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from

unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

#### **200-151. Sources for Technical Guidance:**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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

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

#### **200-152. Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section 200-149F above, or alternative designs in accordance with Section 200-149G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 200-152A.2 below.

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

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

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

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

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

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

- i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- ii. A bar screen having a bar spacing of 0.5 inches.

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

- d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. 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.

### **200-153. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 200-153C.1, 8.C.2, and 8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

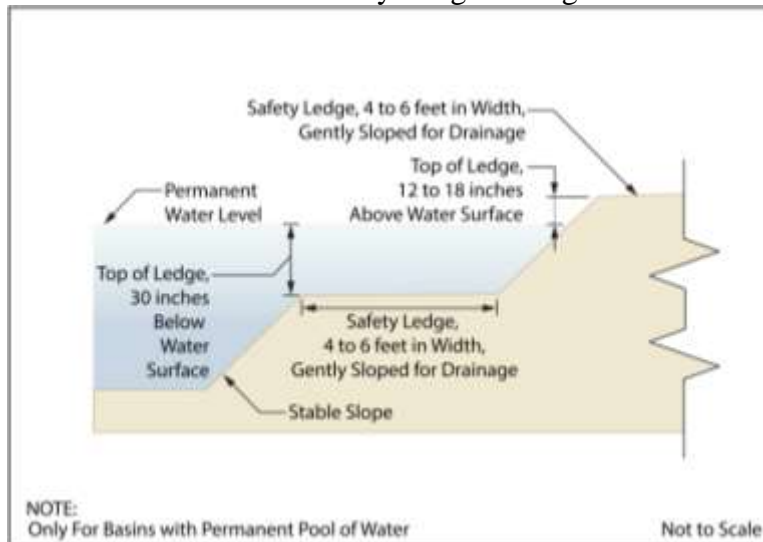
- c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - d. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - b. The overflow grate spacing shall be no less than two inches across the smallest dimension
  - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 3. Stormwater management BMPs shall include escape provisions as follows:
  - a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 8.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 BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See 8.E for an illustration of safety ledges in a stormwater management BMP; and
  - c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

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

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

## E. Safety Ledge Illustration

### Elevation View –Basin Safety Ledge Configuration



## 200-154. Requirements for a Site Development Stormwater Plan:

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 200-154C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 200-154C of this ordinance.

### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in 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 that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 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 disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- 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 Section 4 of this ordinance.
- b. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 200-155

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 200-154C.1 through 9.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.

**200-155. Maintenance and Repair:**

A. Applicability

Projects subject to review as in Section 200-146.C of this ordinance shall comply with the requirements of Section 200-155B and 10.C.

## B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 200-155B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 200-155B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 200-155B.3 above shall perform all of the following requirements:

- a. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
- b. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- c. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 200-155B.6 and B.7 above.

8. The requirements of Section 200-155B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

**200-156. Penalties:**

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

**200-157. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or

ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**200-158. Effective Date:**

This chapter shall take effect immediately upon the approval by the county review agency or 60 days from the receipt of this chapter by the county review agency if the county review agency should fail to act.

**SECTION 2:** Except as set forth in Section 1 the balance of Chapter 200 shall not be affected by this Ordinance.

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

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

**SECTION 5:** This Ordinance shall take effect twenty (20) days following adoption and publication as required by law as well as in accordance with the additional review provisions of Chapter 200-158.

Motion by Council President Morris, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2021-3.

No comments were to be heard.

Motion by Councilman Sykes second by Council President Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2021-3

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2021-3. Ordinance approved by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2021-4 TO AMEND THE CODE OF THE TOWNSHIP OF BERLIN, CHAPTER 340 AND CHAPTER 374 TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES.**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township of Berlin has never adopted an enabling ordinance to allow for cannabis production, cultivation, processing, distribution, and/or retail in any form, whether for medical or recreational use within the Township of Berlin; and

**WHEREAS**, the Township of Berlin has never adopted any zoning ordinance and/or zoning amendment to allow for cannabis production, cultivation, processing, distribution, and/or retail in any form, whether for medical or recreational use within the Township of Berlin; and

**WHEREAS**, the Mayor and Township Council of the Township of Berlin has determined the following:

1. At present there are uncertainties regarding the future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Berlin in particular;
2. There is a lack of clarity and direction in the Act;
3. There are potential negative impacts upon children in the Township;
4. There are potential detrimental impacts on residents in a small community such as the Township of Berlin;
5. The Township of Berlin is almost completely built-out and developed and there does not appear to be any isolated areas for one or more classes of cannabis businesses; and

6. The Mayor and Council need more time to study and review the Act and its impact on the Township of Berlin and its residents.

**WHEREAS**, based upon the foregoing, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Berlin's residents and members of the public who visit, travel, or conduct business in the Township of Berlin to amend the Township of Berlin's Code and zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Berlin; and

**WHEREAS**, many areas of municipal law are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

**SECTION 1.** New Chapter 374 of the Code of the Township of Berlin is hereby established as follows:

“Cannabis and Cannabis Products”

“Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all medical and recreational cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Berlin, except for the delivery of cannabis items and related supplies by a delivery service.”

**SECTION 2.** Chapter 340 of the Code of the Township of Berlin is hereby amended and supplemented by adding to the list of prohibited uses with Section 230-17H as follows:

- H. “All classes of medical and recreational cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”

**SECTION 3.** Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Berlin inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 5.** This ordinance shall take effect upon its passage and publication and filing with the Camden County Planning Board, Pinelands Commission and as otherwise provided for by law.

Motion by Councilman Sykes, second by Councilwoman Bodanza to adopt Ordinance 2021-4 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-80 A RESOLUTION APPROVING THE TARGET AREA FOR THE OLD WEST BERLIN NEIGHBORHOOD PRESERVATION PROGRAM.**

**WHEREAS,** the Township of Berlin County of Camden, State of New Jersey has received the Neighborhood Preservation Program grant in the amount of \$125,000; and

**WHEREAS,** the Target Area for the Neighborhood Preservation Program is the mixed-use commercial district along Haddon Avenue within the Old West Berlin Neighborhood.

**WHEREAS,** the Township of Berlin is desirous to expand the Target Area to include the properties within the Southern Portion of Haddon Avenue from Bethel to Dill Avenue. A copy of the Target Area Map is made part of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Township of Berlin has approved the Target Boundaries for the Neighborhood Preservation Program District.

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-80. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-81 AUTHORIZING REFUND OF ERRONEOUS OVERPAYMENT N.J.S.A. 54:49-15.**

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



I hereby submit to you a property, which I have previously submitted with reasons as uncollectible and have been relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4. Since the passing of the prior resolution an overpayment has been created resulting in the need for a refund to the mortgage company responsible for payment of taxes on the parcel.

To Be Refunded

Arnold Burt	2021	2201-8	\$ 2,918.06	100% Disabled Veteran Preliminary Per NJSA 54:4-3.30et seq  PREVIOUSLY Cancelled Resolution 2021-66
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\*\*\* Mortgage Company made a payment to the February quarter on 2/9/21 after the filing of Resolution 2021-66\*\*\*

WHEREAS, Corelogic Tax Service is responsible for the service payment of real estate taxes for Specialized Loan Services, mortgage company for property located in the Township of Berlin, and;

WHEREAS, the mortgage company, Specialized Loan Services has paid taxes for February 1<sup>st</sup>, 2021 for the owner of record of 16 Mulhouse Drive, West Berlin, NJ after the taxes have been cancelled due to 100% Disabled Veteran Exempt Status and;

WHEREAS, the payment received caused an overpayment which needs to be refunded, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of Two Thousand, Nine Hundred, Eighteen dollars and Six cents (\$ 2,918.06) to:

Corelogic Tax Services  
3001 Hackberry Road  
IRVING, TX 7506

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-81. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-82 AUTHORIZATION TO HOLD TAX SALE FOR 2020 OPEN DELINQUENCIES PER THE OFFICIAL EXTENDED TAX DUPLICATE LIST RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19.**

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal sewer and other lienable charges payable through December 31, 2020 shall be subject to tax sale and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on the 27<sup>th</sup> day of October 2021 at 10:30 AM at the Municipal Building, and;

WHEREAS, there are delinquencies appearing in the records of the Township of Berlin for monies levied on the owners of record as they appear in the official tax list filed in the office of the Collector of Taxes of Berlin Township, as well as certified listings from the Borough of Berlin Water Department and the Camden County Municipal Utilities Authority, and;

WHEREAS, at any time before a scheduled tax sale, the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment, and;

WHEREAS, the taxpayer shall pay the full amount advertised which includes the costs, at two percent of the total delinquency not to be less than \$15.00 nor more than \$100.00, and now must be paid in order to remove the property from sale and;

WHEREAS, the Tax Collector may mail NOTICE OF SALE for any two weeks and advertise for any two weeks, or just advertise consecutively for the full four weeks, with the official tax sale held the following week, and;

WHEREAS, the costs incurred for each mailing of NOTICE OF SALE be set at \$25.00 per mailing, and be collected in order for the property to be removed from said tax sale, so;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Tax Collector be authorized to hold a Tax Sale for all unpaid charges through the end of the 2020 calendar year, properties located in our municipality on October 27, 2021 and being advertised and/or with official notices of sale for four consecutive weeks and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Submitted for April 12, 2021 meeting by Dana O'Hara, CTC

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-82. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-83 RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SOMERDALE FOR THE DISPOSAL OF SOLID WASTE.**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes any local unit of the State to enter into a contract with any other local unit or units for the joint provision within their jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Governor of the State of New Jersey is committed to supporting and advancing local government shared service solutions to enhance the provision of local services and alleviate the property tax burden on the State's residents and businesses; and

**WHEREAS**, the governing body of the **Township of Berlin** recognizes that shared services may result in property tax relief and enhanced services for its constituents; and

**WHEREAS**, in an attempt to receive more favorable prices than the current contract prices and reduce the cost for solid waste disposal for the interested municipalities within Camden County, which collect and haul their solid waste, the Borough of Somerdale intends to solicit bids for the disposal of solid waste for the Borough of Somerdale and any other interested self-hauling municipalities, with the contract beginning January 1, 2022 and being for a period of up to five years; and

**WHEREAS**, it is expected that the commitment of the disposal of the specified, estimated annual tonnage of solid waste from the participating municipalities, which is a tonnage that several disposal facilities have the capacity to handle, will provide for more competitive bid prices, resulting in a reduction in the cost for the disposal of solid waste for all participating municipalities; and

**WHEREAS**, in order to receive the anticipated, reduced costs for the disposal of solid waste, it will be necessary for all participating municipalities to commit to the delivery of their solid waste to the contracted firm's facility; and

**WHEREAS**, it is intended that all participating municipalities will commit to the award of a contract to the lowest responsible bidder if it is determined that the bid price is considered to be a favorable price and results in a reduction in cost for solid waste disposal for each municipality for the intended term of the contract; and

**WHEREAS**, the **Township of Berlin** desires to participate in the shared services contract and be included as a participating municipality in the bid specifications for the disposal of solid waste, beginning on January 2, 2022, with the Borough of Somerdale and any other interested municipality within Camden County;

**NOW THEREFORE BE IT RESOLVED** that **Mayor and Council** of the **Township of Berlin**, in the County of Camden, State of New Jersey hereby authorizes the participation in the shared services agreement and inclusion in the bid specifications for the disposal of solid waste with the Borough of Somerdale.

**BE IT FURTHER RESOLVED** that the Mayor and Council commits to the award of a contract if it is determined that the bid price is considered to be a favorable price and results in a reduction of cost for solid waste disposal for each participating municipality for the intended term of the contract.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to represent the **Township of Berlin**, regarding any discussions and matters associated with the disposal of solid waste, under this shared services agreement.

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-83. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-84 APPOINTMENT OF MEMBERS TO THE PLANNING BOARD DUE TO VACANCY.**

**WHEREAS**, N.J.S.A. 30:44-1.4 provides for the creation, membership and terms of a PLANNING BOARD; and

**WHEREAS**, Section 20-2 et seq., of the Code of the Township of Berlin provides for the creation of a PLANNING BOARD shall consist of the following;

**CRAIG DEGEORGE** – Class IV Member to 12-31-23  
**FRANK McHENRY**- Class IV MEMBER to 12-31-23  
**BETSY SIMPSON** – Class IV Member 12-31-22  
**ALVINA MOORE**- Class IV Member 12-31-24  
**DANTE MAGAZZU**- Class IV Member 12-31-24  
**EDWARD POTTS**- Class IV Member 12-31-24  
**SUZANNE COSSABOON**- Alternate (1) 12-31-22  
**JOHN HOLROYD** – Class II Construction Code Official to 12-31-2021  
**CHRISTOPHER MORRIS** – Class III Councilperson to 12-31-2021  
**PHYLLIS MAGAZZU** – Class I Mayor to 12-31-21  
**DAVID CARLAMERE**- Solicitor to 12-31-21  
**DAVID ROWAN**- Solicitor to 12-31-21

**NOW, THEREFORE, BE IT RESOLVED** that the above named individual shall serve his respective term pursuant to the provisions set forth in the New Jersey Statutes Annotated 40:55-1 et seq., and pursuant to the Code of the Township of Berlin, Section 20-1 et seq.

Motion by Council President Morris second by Councilwoman to adopt resolution 2021-84. Resolution adopted by call of the roll, four members present voting in the affirmative. Mayor Magazzu abstained.

**RESOLUTION 2021-85 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR EXCEPTIONAL MEDICAL TRANSPORTATION AND THE POSTING OF A MAINTENANCE BOND.**

**WHEREAS**, Mr. Howard Kaplan of Exceptional Medical Transportation, 301 Allied Parkway, Block 1702, Lot 6.07, has requested the release of their Performance Bond in the amount of \$97,760.00; and

**WHEREAS**, the Engineer has recommended that the Township grant the request for the release of the Performance Bond contingent upon the posting of a two- year Maintenance Bond in the amount of \$11,595.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of their performance bond is hereby granted with the conditions stated above.

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-85. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-86 RESOLUTION FOR PLACE TO PLACE TRANSFER, EXTENSION OF PREMISES ON LIQUOR LICENSE FOR SAHARA SAM'S OASIS LLC.**

**WHEREAS**, an application has been filed for a place- to place transfer of Plenary Retail Consumption License 0406-33-007-016, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized: and

**WHEREAS**, the submitted application form is completed in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berlin does hereby approve, effective April 12, 2021 the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 535 North Route 73, West Berlin to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Motion by Councilman Epifanio second by Councilman Sykes to table resolution 2021-86. Resolution tabled by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-87 LIST OF UNCOLLECTIBLE TAXES DUE BACK FROM STATE.**

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

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Prepared by: Dana O'Hara, CTC

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Nancy Pritts	1309-21	2021	250.00	Senior Citizen
			\$ 250.00	TOTAL to November 2021

Submitted for April 12, 2021 Meeting

**By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.**

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-87. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-88 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED OR MUNICIPAL LIEN TRANSFER ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.**

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

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

**WHEREAS**, the Tax Collector has confirmed receipt of payment or transfer to an open municipal tax sale lien for the liens against the following properties representing

maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

<b>Special Charge #:</b>	<b>Property:</b>	<b>AMOUNT</b>	<b>DATE PAID</b>
PM20-024	6 Pine Terrace (1301-23)	\$ 438.76	2/11/2021
			<b>DATE TRANSFERRED TO MUNICIPAL LIEN</b>
PM20-023	Haddon Ave/Veteran Ave(625-8.01)	\$ 55.00	1/15/2021
PM20-025	319 Hazel Ave (1815-5)	\$ 60.00	1/15/2021

Submitted for April 12, 2021 Meeting Dana O’Hara, CTC - Tax Collector

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

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

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-88. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-89 AMENDING RESOLUTION 2021-63 A RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN THROUGH THE TOWNSHIP OF BERLIN POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE TOWNSHIP OF BERLIN POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT.**

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

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

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

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEA's, these entities are responsible for the cost associated with delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A.40A:5-30.2 requires that the governing body of the municipality or county approve, by majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Berlin Township Police department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from February 8<sup>th</sup> ,2021 to December 31<sup>st</sup> 2021; and

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

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-89. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-90 PAYMENT OF BILLS FOR APRIL 2021.**

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

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

**CONFIRMING:**

**TO**

**ACCOUNT**

**AMOUNT**



<u>State of Jersey Health Benefits – March 2021 (A)</u>	<u>1-01-23-220-2092</u>	<u>\$70,064.09</u>
	<u>1-01-23-220-2092</u>	<u>\$12,728.46</u>
<u>State of Jersey Health Benefits – March 2021 (R)</u>	<u>1-01-23-220-2092</u>	<u>\$35,750.46</u>
<u>Flex Claims Week of 03/05-03/11/2021</u>	<u>T-18-56-850-030208</u>	<u>\$38.24</u>
<u>Flex Claims Week of 03/12-03/18/2021</u>	<u>T-18-56-850-030208</u>	<u>\$44.94</u>
<u>Flex Claims Week of 03/19-03/25/2021</u>	<u>T-18-56-850-030208</u>	<u>\$10.00</u>
<u>Flex Claims Week of 03/26-04/01/2021</u>	<u>T-18-56-850-030208</u>	<u>\$29.00</u>
<u>Mini Bill Listing in Current &amp; Sewer on March 30, 2021</u>	<u>Various Account</u>	<u>\$4,859.16</u>
<u>Ameriflex (April 2021)</u>	<u>T-18-56-850-030208</u>	<u>\$75.00</u>
<u>State of Jersey Health Benefits – April 2021 (A)</u>	<u>1-01-23-220-2092</u>	<u>\$65,392.07</u>
	<u>1-01-23-220-2092</u>	<u>\$11,909.38</u>
<u>State of Jersey Health Benefits – April 2021 (R)</u>	<u>1-01-23-220-2092</u>	<u>\$35,750.46</u>
<u>Flex Claims Week of 04/02-04/08/2021</u>	<u>T-18-56-850-030208</u>	<u>\$40.00</u>
<u>Payroll, Current Fund</u>	<u>3/12/2021</u>	<u>\$132,899.77</u>
<u>Payroll, Sewer Operating Fund</u>	<u>3/12/2021</u>	<u>\$7,259.44</u>
<u>Payroll, Open Space</u>	<u>3/12/2021</u>	<u>\$4,212.47</u>
<u>Payroll, Animal Control</u>	<u>3/12/2021</u>	<u>\$285.56</u>
<u>Payroll, Current Fund</u>	<u>3/26/2021</u>	<u>\$129,528.48</u>
<u>Payroll, Sewer Operating Fund</u>	<u>3/26/2021</u>	<u>\$7,167.16</u>
<u>Payroll, Open Space</u>	<u>3/26/2021</u>	<u>\$4,212.47</u>
<u>Payroll, Animal Control</u>	<u>3/26/2021</u>	<u>\$285.56</u>
<u>Payroll, Current Fund</u>	<u>4/9/2021</u>	<u>\$134,881.90</u>
<u>Payroll, Sewer Operating Fund</u>	<u>4/9/2021</u>	<u>\$7,325.52</u>
<u>Payroll, Open Space</u>	<u>4/9/2021</u>	<u>\$4,212.48</u>
<u>Payroll, Animal Control</u>	<u>4/9/2021</u>	<u>\$285.56</u>

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-90. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **RESOLUTION 2021-91 AUTHORIZING LOCAL EXAMINATION OF THE 2021 BUDGET.**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Berlin has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2018 budget year.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve of uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth,
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services**

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-91. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-92 RESOLUTION TO INTRODUCE THE 2021 CALENDAR YEAR BUDGET.**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that the budget shall constitute appropriations for the purpose stated herein set forth as appropriations and authorization of the amount of \$7,871,671.90

for the local tax to be raised by taxation for Municipal Purposes and \$245,462 for the local tax to be raised by taxation for Municipal Open Space, Recreation, Farmland and Historic Preservation and certification to the County Board of Taxation; and

**BE IT FURTHER RESOLVED** that said budget be published in the Courier Post Newspaper in the issue of April 22, 2021. The Governing Body of the Township of Berlin does hereby approve the following Budget for the Calendar Year 2021. Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Berlin, County of Camden on April 12, 2021. A hearing on the budget and tax resolution will be held at the Berlin Township Municipal Hall – A Shared Services Center, 135 Route 73 South, West Berlin, NJ 08091, on May 10, 2021 at 5:30 P.M.; at which time and place objections to said budget and tax resolution for the calendar year 2021 may be presented by taxpayers or other interested persons.

Motion by Councilwoman Bodanza second by Councilman Sykes to adopt resolution 2021-92. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-93 RESOLUTION OF SUPPORT AND AUTHORIZATION FOR THE MAYOR TO SIGN THE APPLICATION FOR 2021 CAMDEN COUNTY RECREATION FACILITY ENHANCEMENT PROJECT FUNDING.**

**WHEREAS**, the Mayor and Council desires to submit an application for funding the improvements to the gazebo at the Luke Avenue Recreation Complex; and

**WHEREAS**, the gazebo is highly visible to motorists travelling along Haddon Avenue and serves as a focal point in welcoming motorists to Berlin Township; and

**WHEREAS**, the gazebo serves as a gathering place for many events held by families, civic and religious organizations and also serves as a resting place for those individuals walking along Haddon Avenue and within the Luke Avenue Recreation Complex; and

**WHEREAS**, the gazebo is in need of structural and cosmetic improvements and the Mayor and Council desires to make these improvements, in the immediate future.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, formally supports the application for 2021 Camden County Recreation Facility Enhancement Project funding for the improvements to the gazebo at the Luke Avenue Recreation Complex; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to sign the application and any other respective documents.

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-93. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-94 RESOLUTION OF SUPPORT AND AUTHORIZATION FOR THE MAYOR TO SIGN THE APPLICATION FOR THE LOCAL RECREATION IMPROVEMENT GRANT.**

**WHEREAS**, Governor Murphy has appropriated \$2.5 million in the FY 2021 budget for the Local Recreation Improvement Grant to support urgent improvement and repairs to public recreation facilities during this time of heightened community need; and

**WHEREAS** The Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums; and

**WHEREAS** the Local Recreation Improvement Grant funds will be allocated to grant recipient to help cover costs associated with updating community centers, playgrounds, fields, walking or bicycle trails, multi-sport courts, and recreational facilities; one-time personnel costs directly related to improvements; project development professional services costs; equipment costs including playground and recreation facilities equipment; and environmental remediation costs required to prepare recreation sites for use: and

**WHEREAS** the Mayor and Council desires to submit an application for funding the improvement to "Project to be named" and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, formally supports the application for 2021 Local Recreation Improvement Grant for the improvements "Project to be named"; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to sign the application and any other respective documents.

Motion by Council President Morris second by Councilwoman Bodanza to table resolution 2021-94. Resolution tabled by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-95 RESOLUTION OF THE TOWNSHIP OF BERLIN  
AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER  
249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY  
MAINTENANCE.**

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

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

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

<b><u>Property: Block/Lot</u></b>	<b><u>REASON</u></b>
205 Haddon Ave. B-523 L-9	Clean up
307 Fairview Ave. B-1903 L-2	Trash removal

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

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

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

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

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
205 Haddon Ave. B-523 L-9	April 12, 2021	\$487.50	clean up
307 Fairview Ave. B-1903 L-2	April 12, 2021	\$925.00	trash removal

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

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

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

Motion by Council President Morris second by Councilman Sykes to adopt resolution 2021-95. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Approval of the Meeting Minutes for March 8, 2021**

Motion by Councilwoman Bodanza second by Councilman Sykes to approve the Meeting Minutes for March 8, 2021. Motion carried by voice vote, five members present voting in the affirmative.

**Approval Consent Agenda for March 2021**

Motion by Council President Morris, second by Councilman Epifanio to approve the Consent Agenda for March 2021. Motion carried by voice vote, five members present voting in the affirmative.

**Approval of Correspondence Calendar**

Motion by Council President Morris, second by Councilman Sykes to approve the Correspondence Calendar. Motion carried by voice vote, five members present voting in the affirmative.

**All Other Business**

Mayor Magazzu talked about the Community Immunity Covid-19 vaccine clinic scheduled for April 24<sup>th</sup> 2021. The event will be sponsored by West Berlin Walmart.

**Public Portion**

Motion by Council President Morris, second by Councilman Sykes to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

Carolyn Picciotti asked about resolution 2021-80.

Mayor Magazzu replied that it is the Neighborhood Preservation Program grant that we are doing in the Haddon Avenue area and around Old West Berlin Neighborhood. The same area but just expanded.

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

### **Adjourn**

Motion by Council President Morris, second by Councilman Sykes to adjourn the meeting at 6:10 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:10 pm

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**Catherine Underwood  
Berlin Township RMC**