

MARLBORO TOWNSHIP COUNCIL MEETING

June 17, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on June 17, 2021 at 7:00 P.M.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on June 14, 2021; published in the Asbury Park Press on January 16, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Municipal Clerk called the Roll.

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

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

Councilwoman Mazzola moved that the Council meeting minutes of May 6, 2021 be approved. This was seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

The following Resolution #2021-185/Ordinance #2021-015 (Authorizing the Sale of Property for Farmland Use Only in the Township of Marlboro Designated as Block 155, Lot 13.03, Pleasant Valley Road, Subject to the Restrictions Placed on the Property Pursuant to the Deed of Easement Filed with the County of Monmouth on November 24, 2010) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-185

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

ORDINANCE #2021-015

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY FOR FARMLAND USE ONLY IN THE TOWNSHIP OF MARLBORO DESIGNATED AS BLOCK 155, LOT 13.03, PLEASANT VALLEY ROAD, AS SHOWN ON THE TOWNSHIP TAX MAP, SUBJECT TO THE RESTRICTIONS PLACED ON THE PROPERTY PURSUANT TO THE DEED OF EASEMENT FILED WITH THE COUNTY OF MONMOUTH ON NOVEMBER 24, 2010

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

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on July 15, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-015

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY FOR FARMLAND USE ONLY IN THE TOWNSHIP OF MARLBORO DESIGNATED AS BLOCK 155, LOT 13.03, PLEASANT VALLEY ROAD, AS SHOWN ON THE TOWNSHIP TAX MAP, SUBJECT TO THE RESTRICTIONS PLACED ON THE PROPERTY PURSUANT TO THE DEED OF EASEMENT FILED WITH THE COUNTY OF MONMOUTH ON NOVEMBER 24, 2010

WHEREAS, the Township of Marlboro (the "Township") is the owner of that certain parcel of land, approximately 46.405 acres, identified on the Township's Official Tax Map as Block 155, Lot 13.03, located on Pleasant Valley Road and formerly known as the McCarron Farm (hereinafter referred to as the "Property"); and

WHEREAS, the Township has been contracting with a vendor to continue farming the parcel as required by the Deed of Easement, since acquiring the Property in 2007; and

WHEREAS, pursuant to the Local Land and Building Law, N.J.S.A. 40A: 12-1 et seq. the Township has the power to sell real property; and

WHEREAS, pursuant to N.J.S.A. 40A: 12-13(a) a municipality may sell by open public auction to the highest bidder any real property no longer needed for public use; and

WHEREAS, the Township seeks to sell this property, subject to a development easement (the "Development Easement") as defined by N.J.A.C. 2:76-6.2 on the Property and more specifically described as:

Township of Marlboro Block 155, Lot 13.03 in Marlboro Township, Monmouth County, New Jersey, comprising approximately 46.405 acres, with one (1) existing single family residential building and zero (0) buildings used for agricultural labor purposes.

WHEREAS, the Township acquired the property February 9, 2007, pursuant to a Deed filed with the County of Monmouth Clerk's office on February 27, 2007, from the Estate of Marilyn McCarron; and

WHEREAS, the Township Council of the Township of Marlboro (the "Township Council") is aware of the restrictions that were placed on the Property pursuant to the Deed of Easement filed with the County of Monmouth on November 24, 2010 (Annexed hereto as Schedule A) that protects it from development as a result of the conveyance of the Development Easement in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1 *et seq.* and the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 *et seq.*; and

WHEREAS, the Township Council believes that the retention and preservation of agricultural lands is beneficial to the public health, safety and welfare of the Citizens of Monmouth County and the restrictions contained in the Deed of Easement which will continue in place and run with the land will adequately protect this purpose; and

WHEREAS, the Township Council has determined that the Property is no longer needed for public use and therefore it is in the best interest of the Township to offer the property for sale by public auction to the highest bidder pursuant to N.J.S.A. 40A:12-13(a) subject to the terms of the Deed of Easement; and

WHEREAS, said Property shall be offered for sale subject to the Deed of Easement, to permit continued agricultural use and production in compliance with all the terms and conditions of the November 24, 2010 Deed of Easement; and

WHEREAS, the Township Council authorizes the Business Administrator to conduct an open public sale at auction offering the property for sale at a minimum bid of \$900,000.00; and

WHEREAS, the Township reserves the right to reject all bids where the highest bid is not accepted pursuant to N.J.S.A. 40A:12-13(a); and

WHEREAS, the conveyance of the property will contain a reverter clause so that if the successful bidder fails to utilize or determines to cease utilizing the land or building in accordance with the limitations as contained in the aforesaid Deed of Easement, then in such case Title shall revert back to the Township;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township shall offer the Property for sale as farmland use only, subject to the restrictions that were placed on the Property pursuant to the Deed of Easement filed with the County of Monmouth on November 24, 2010 (Annexed hereto as Schedule A) that protects it from development as a result of the conveyance of the Development Easement; it shall be the goal of the new owner to establish and/or operate a commercial farm in accordance with the Right to Farm Act , N.J.S.A. 4:1C-1 *et seq.* and the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 *et seq.*
3. The Township shall offer the Property for sale to a purchaser who shall agree to continue its use as farmland and who shall comply with the Deed of Easement, to permit continued commercial agricultural use and production in compliance with all the terms and conditions of the November 24, 2010 Deed of Easement, which will continue in place and run with the land in order to adequately protect this purpose; and
4. The Township further reserves the right to reject all bids where the highest bid is not accepted pursuant to N.J.S.A. 40A:12-13(a).
5. The conveyance of the property shall contain a reverter clause so that if the Property, at any time after the sale, ceases to be operated and utilized in accordance with the Deed of Easement, title to the Property shall revert back to the Township.
6. The Township Council authorizes the Business Administrator to conduct an open public sale at auction offering the property for sale at a minimum bid of \$900,000.00 via a third party farmland auctioneer authorized by the Township Council. The successful bidder will be required to pay a 10% deposit by certified funds on the date of the auction. Payment in full shall be due by certified funds on the date of closing and conveyance by Deed of the property to the successful bidder and pursuant to all terms contained within the public notice advertisement for the sale of the property. The successful bidder will also pay a "premium" of 10% to the

third party farmland auctioneer in addition to the purchase price.

7. The Mayor is authorized to execute, and the Municipal Clerk is authorized to witness, the Contract of Sale and any other document or instruments that may be necessary to effectuate the Contract of Sale, subject to the review and approval of the Township Attorney.
8. The Township Attorney and Business Administrator are hereby authorized to take all actions necessary to implement the Contract of Sale and to satisfy the conditions of the transaction for the Property.

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

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

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

The following Resolution #2021-186/Ordinance #2021-016 (An Ordinance Prohibiting the Operation of any Class of Cannabis Licensed Business within the Township of Marlboro) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-186

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

ORDINANCE #2021-016

AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF
CANNABIS LICENSED BUSINESSES WITHIN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on July 15, 2021 at

7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-016

AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS LICENSED BUSINESSES WITHIN THE TOWNSHIP OF MARLBORO

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, P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), 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 purchases 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 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 Township; 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, the Township Council of the Township of Marlboro has determined that, it is necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Marlboro's residents and members of the public who visit, travel, or conduct business in Township of Marlboro to prohibit all classes of cannabis establishments, distributors, or delivery licenses and services anywhere in the Township of Marlboro; and

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all classes of cannabis establishments, cannabis distributors or cannabis delivery services licenses as said terms and licenses are defined by Section 3 of P.L.2021, c16 are hereby prohibited from operating anywhere in Township of Marlboro.
2. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Marlboro that is inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
3. 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.

The following Resolution #2021-187/Ordinance #2021-017 (Amending Chapter 220, "Land Use Development", by Amending Article VIII, "Subdivisions: Design and Performance Standards", Subsections 220-147 Through 220-158 Entitled "Scope and Purpose of Stormwater Management Requirements" of the Revised Code of the Township of Marlboro) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-187

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

ORDINANCE #2021-017

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

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

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on July 15, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-017

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

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

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

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

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

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

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

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

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

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

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

C. Applicability.

- (1) Sections 220-147 through 220-158 shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Nonresidential major developments; and
 - (b) Aspects of residential major developments that are not regulated by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (2) Sections 220-147 through 220-158 shall also be applicable to all major developments undertaken by Township of Marlboro.

D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to §§ 220-147 through 220-158 are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of §§ 220-147 through 220-158 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Sections 220-147 through 220-158 are not intended to interfere with or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of these sections imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall apply.

§ 220-148 Definitions related to stormwater management.

For the purpose of §§ 220-147 through 220-158, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

AGRICULTURAL DEVELOPMENT

Land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing

of agriculturally related products.

CAFRA CENTERS, CORES OR NODES

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

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

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

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

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

A State Development and Redevelopment Plan Center as designated

by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER

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

DEVELOPMENT

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

DISTURBANCE

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

DRAINAGE AREA

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

EMPOWERMENT NEIGHBORHOODS

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

ENVIRONMENTALLY CONSTRAINED AREA

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

as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA

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

EROSION

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

FLOOD HAZARD AREA

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

GREEN INFRASTRUCTURE

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

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

HUC 14 OR "HYDROLOGIC UNIT CODE 14"

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

LEAD PLANNING AGENCY

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

the primary committee representative.

MAJOR DEVELOPMENT

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

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

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

MITIGATION

An action by an applicant providing compensation or offset actions for on-site stormwater management requirements where the applicant has demonstrated the inability or impracticability of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in 220-147 through 220-158, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of §§ 220-147 through 220-158, includes both the mitigation plan, detailing how the project's applicant's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same HUC-14 subwatershed within which the subject project is proposed (if possible and practical), or a contribution of funding toward a regional stormwater management plan, or provision for equivalent treatment at an alternative location, or other equivalent water quality benefit.

MOTOR VEHICLE

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles,

motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

Marlboro Township.

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

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 220-150F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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

NUTRIENT

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

PERSON

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

POLLUTANT

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

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

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

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

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

SEDIMENT

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

SITE

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

SOIL

All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS

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

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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

STATE PLAN POLICY MAP

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

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT BASIN

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

STORMWATER MANAGEMENT MEASURE

Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into

stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY

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

STORMWATER MANAGEMENT PLANNING AREA

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

STORMWATER RUNOFF

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

TIDAL FLOOD HAZARD AREA

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

TIME OF CONCENTRATION

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

TOTAL SUSPENDED SOILS

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

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

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

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

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS or WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

220-149 Design and performance standards for stormwater management measures.

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

- (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
- (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

A. The standards in §§ 220-147 through 220-158 apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department

rules.

§ 220-150 Stormwater management requirements for major development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 220-156.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitats for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections P and Q:

- (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
- (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
- (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections O, P and Q may be obtained for the enlargement of an existing public roadway, or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
- (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management strategies and measures, the option selected complies with the requirements of Subsections O, P and Q to the maximum extent practicable;
- (3) The applicant demonstrates that, in order to meet the requirements of Subsections O, P and Q, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections O, P and Q that were not achievable on site.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey

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

https://njstormwater.org/bmp_manual2.htm

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

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

<u>Manufactured Treatment Device</u> ^(a)	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System</u> ^(a)	<u>80</u>	<u>Yes</u>	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)
<u>Small-Scale Bioretention</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)
<u>Small-Scale Infiltration</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand</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>

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

<u>Table 2</u> <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality SS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)

<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</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^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

(Notes corresponding to annotations ^(b) through ^(d) are found below Table 3)

Table 3 <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<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^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</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 Subsection O(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 220-148;
- (h) manufactured treatment devices that do not meet the definition of green

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

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts.

Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

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

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

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

circumstances described at Subsection O(4).

K. Any application for a new agricultural development that meets the definition of major development at Section 220-148 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections O, P, and Q and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection P and Q shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

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

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced

with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 220-148 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with (M) above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with (M) above.

O. Green Infrastructure Standards

(1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

(2) To satisfy the groundwater recharge and stormwater runoff quality standards at Subsection P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection F and/or an alternative stormwater management measure approved in accordance with Subsection G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<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 Subsection Q, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection G.

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

P. Stormwater Runoff Quality Standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil,

by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

(3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

(4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where:

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

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

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

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

- (1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control

stormwater runoff quantity impacts of major development.

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

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

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

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

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

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

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

[a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/ unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than reportable quantities, as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[b] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be

a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

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

- [1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post construction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
- [2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area; or
- [3] Design stormwater management measures so that the post construction peak runoff rates for the two-, ten- and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post construction stormwater runoff that is attributable to the portion of the site on which

the proposed development or project is to be constructed. The percentages shall not be applied to post construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge;

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

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

§ 220-151 Calculation of stormwater runoff and groundwater recharge.

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

(1) The design engineer shall calculate runoff using one of the following methods:

- (a)** (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State

Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection A(1)(a) and the Rational and Modified Rational Methods at Subsection A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds and other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
 - B. Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and

supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/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.

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

§ 220-152 Standards for structural stormwater management measures.

A. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 220-150.

B. Manufactured treatment devices may be used to meet the requirements of § 220-150, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

C. Standards for stormwater collection systems.

(1) Velocities in closed conduits at design flow shall be at least two feet per second but not more than 10 feet per second.

(2) No pipe size in the storm drainage system shall be less than 15 inches in diameter.

(3) All discharge pipes shall terminate with a precast concrete flared end section or a cast-in-place concrete headwall with or without wingwalls as conditions dictate.

(4) The spacing of inlets shall be such that surface water shall not flow for more than 500 feet or the quantity of water is such that it causes ponding of water deeper than two inches at Type B and Type E inlets, whichever is the lesser distance. If, due to the slope of the approach prior to the inlet, 80% of the stormwater does not enter the inlet, decreased spacing and depth of water permissible shall be required. Sufficient inlets will be placed to eliminate any flow exceeding two cubic feet per second across any roadway intersection or pedestrian crosswalk.

(5) Dished gutters shall be permitted at any street intersection on rural and local streets and at the intersection of rural and local streets with minor collector streets and at the intersection of minor collector streets with major collector streets where the street of the lower classification is to be officially designated and signed as a stop street. In such cases, the dished gutter shall cross only the street of the lower classification. At the intersections of primary and secondary arterial streets and major collector streets, sufficient catch basins, at the discretion of the reviewing agency, shall be installed at each street intersection to avoid gutter overflow and at low points in the street grade, and dished gutters shall

not be permitted.

- (6) Manhole spacing shall increase with pipe size. The maximum spacing shall be 500 feet for 15 to 18 inches; 600 feet for 21 to 36 inches; and 700 feet for 42 inches and greater.

§ 220-152.1 Construction standards for pipe.

A. Storm sewer.

- (1) Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron, corrugated aluminum or corrugated steel unless site and other conditions dictate otherwise. Reinforced converted pipe shall be used unless the applicant can demonstrate that the use of other materials will be more beneficial due to the proposed installation. Cost will not be a consideration in this analysis. Specifications referred to, such as American Standards Association, American Society for Testing and Materials, American Water Works Association, etc., should be the latest revision.
- (2) Reinforced concrete pipe.
 - (a) Circular reinforced concrete pipe and fittings shall meet the requirements of ASTM C-76.
 - (b) Elliptical reinforced concrete pipe shall meet the requirements of ASTM C-507.
 - (c) Joint design and joint material for circular pipe shall conform to ASTM C-443.
 - (d) Joints for elliptical pipe shall be bell and spigot or tongue and groove, sealed with butyl, rubber tape or external sealing bands conforming to ASTM C-877.
 - (e) All pipe shall be Class III unless a stronger pipe (i.e., higher class) is indicated to be necessary.
 - (f) The minimum depth of cover over the concrete pipe shall be as designated by the American Concrete Pipe Association.
- (3) Ductile iron pipe. Ductile iron pipe shall be centrifugally cast in metal or sand-lined molds to ANSI A21.51-1976 (AWWA C151-76). The joints shall conform to AWWA C111. Pipe shall be furnished with flanges where connections to flange fittings are required. Pipe should be Class 50 (minimum). The outside of the pipe should be coated with a uniform thickness of hot-applied coal tar coating and the inside lined cement in accordance with AWWA C104. Ductile iron pipe shall be installed with Class C ordinary bedding.
- (4) Corrugated aluminum pipe. Within the public right-of-way and where severe topographic conditions or the desire to minimize the destruction of trees and vegetation exist, corrugated aluminum pipe, pipe arch or helical corrugated pipe may be used. The material shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert and Under Drain AASHTO Designation M196 or the Standard Specification for Aluminum Alloy Helical Pipe AASHTO Designation M-211. The minimum thickness of the aluminum pipe to be used shall be:
 - (a) Less than twenty-four-inch diameter or equivalent, 0.075 inch (fourteen-gauge).

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

B. Inlets, catch basins and manholes.

- (1) Inlets, catch basins and manholes shall be designed in accordance with State Highway Department Standard Plans and Specifications. Frames shall be Campbell Foundry Company Pattern Number 2541, 2548, with eight-inch curb face, and 3432, 3440, for Type E inlets, or approved equal. All grates are to be bicycle grates.
- (2) Manholes and catch basins shall be precast concrete, brick or concrete block, coated with two coats of portland cement mortar.
- (3) If precast manhole barrels and cones are used, they shall conform to ASTM Specification C-473 with round rubber gasketed joints, conforming to ASTM Specification C-923. Maximum absorption shall be 8% in accordance with ASTM Specification C-478, Method A.
- (4) If precast manholes are utilized, the top riser section shall terminate less than one foot below the finished grade and the manhole cover shall be flush with the finished grade.
- (5) Manhole frames and covers shall be of cast iron conforming to ASTM Specification A-48 Class 30 and be suitable for H-20 loading capacity. All manhole covers in rights-of-way or in remote areas shall be provided with a locking device. The letters "Year 20 ____" and the words "STORM SEWER" shall be cast integrally in the cover.

C. Principal outlet structures.

- (1) Outlet structures should be designed to facilitate outlet operation and maintenance as the water level rises and to permit clearing either during or after a storm. Structural support members, steps, rungs or ladders should be provided to allow easy escape opportunities for a child or an adult without having these support members, ladders, etc., impede the clearing of trash from the outlet structure or the upward movement of trash as the water level rises.
- (2) The use of thin metal plates for trash rack bars, hand-hold supports, sharp crested weirs or orifices are prohibited because

of the potential for accidents. Wire mesh fabric is similarly prohibited due to its poor suitability for trash clearance.

- (3) Any outlet protective facility should have lockable hinged connections providing adequate access to thoroughly clean the area enclosed by the structure and to facilitate removal of accumulated debris and sediment around the outlet structure.
- (4) All outlet structures shall be structurally sound and shall be designed to withstand, without failure or permanent deformation, all structural loads, hydrostatic, dynamic or otherwise, which impact upon it during the design life of the installation. They shall be maintenance free to the maximum extent possible.

D. Solids and Floatable Materials Control Standards

(1) Site design features identified under Section 220-150F, or alternative designs in accordance with Section 220-150G, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection (b) below.

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

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

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

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

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

[1] Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

[2] Where the municipality agrees that the standards would cause

inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

[3] Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[a] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

[b] A bar screen having a bar spacing of 0.5 inches.

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

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

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

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

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

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

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

or can be obtained from the following:

(a) The Standards for Soil Erosion and Sediment Control in New Jersey, promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C.

2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

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

(c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540.

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

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

§ 220-154 Safety standards for stormwater management basins.

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

B. Requirements for trash racks, overflow grates and escape provisions.

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

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

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

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

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

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

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

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

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management Basins shall include escape provisions as follows:

(a)-If a stormwater management Basin has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. With the prior approval of the municipality pursuant to Subsection B, a free-standing outlet structure may be exempted from this requirement;

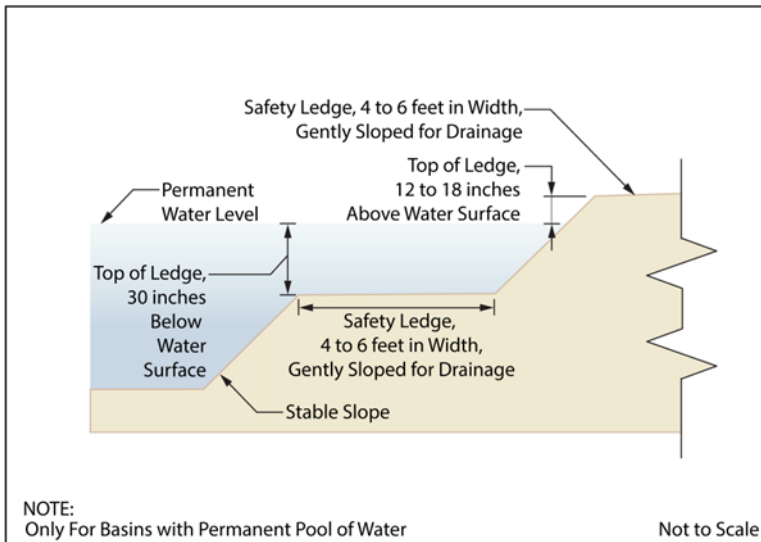
(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and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

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

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

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

Elevation view -Basin Safety Ledge Configuration



§ 220-155 Site development stormwater plan.

A. Submission of site development stormwater plan.

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

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

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

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

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

(1) Topographic base map. The Township Engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater,

showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

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

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

(4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 220-149 through 220-152 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations.

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

(b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 220-156.

(8) Waiver from submission requirements. The Township Engineer or, if applicable, Board Engineer in consultation with the Township Engineer, may waive submission of any of the requirements in Subsection C(1) through (6) when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

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

A. Applicability. Projects subject to review as in § 220-147C shall comply with the requirements of Subsections B and C.

B. General maintenance.

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

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

(3) If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this

responsibility, or of the developer's obligation to dedicate a stormwater-management facility to such person under an applicable ordinance or regulation.

(4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

(5) If the person responsible for maintenance identified under Subsection B(2) above is not a public agency, the maintenance plan and any future revisions based on Subsection B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The person responsible for maintenance identified under Subsection B(2) above shall perform all of the following requirements:

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

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

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

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

§ 220-157 Violations and penalties related to stormwater management. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of §§ 220-147 through 220-158 shall be subject to the following penalties. Failure to comply with any provisions of these sections shall be considered a violation of the Coded Ordinances of the Township of Marlboro and shall be punishable by a fine of \$1,000 or 90 days in jail, or both. Each day of such violation's continuance shall be considered as a separate offense and shall be separately punishable. These penalties shall not be the exclusive remedy available, and nothing in §§ 220-147 through 220-158 shall prevent an applicant from obtaining injunctive relief.

§ 220-158 Mitigation plan for stormwater management.

A. Standards.

(1) For the purposes of this section, "mitigation" shall incorporate the definition set forth in § 220-148 and shall include situations where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C 7:8 in addition to the requirements set forth in §§ 220-147 through 220-158.

(2) The board having jurisdiction over an application requiring a stormwater management plan shall have the jurisdiction to grant a waiver from strict compliance with the performance requirements of §§ 220-147 through 220-158 or the stormwater management plan. The waiver may be granted where an applicant has demonstrated that it is technically impracticable to meet any one or more of the design and performance standards on-site. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. The granting of the waiver shall apply to an

individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard. The applicant must demonstrate one of the following:

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

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

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

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

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

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

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

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

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

B. Mitigation criteria. The mitigation requirements listed below offer a hierarchy of options that are intended to offset the effect on groundwater recharge, stormwater quantity control, and/or stormwater quality control to an equal or greater extent than was created by the granting of a waiver or exemption from the stormwater management requirements. The mitigation project shall be approved no later than preliminary or final site plan approval of the major development and shall comply with the green infrastructure standards at NJAC 7:8-5.3. The mitigation criteria are listed below in order of preference:

(1) Identify, design, and implement a compensating measure to mitigate impacts for a project that is located in the same HUC 14 drainage area as the major development subject to the waiver. In these cases, the applicant will address the same issue within the design and performance standards for which the variance or exemption is being sought, and demonstrate that the proposed mitigating measures provide equal or greater compensation to offset the noncomplying aspect of the stormwater management system on site. The developer must also ensure the long-term maintenance of the project as outlined in Chapters 8 and 9 of the NJDEP Stormwater BMP Manual. If the Township agrees to control a new stormwater management facility, arrangement in the form of an escrow account will be made to stipulate the payment amount, schedule, and long-term responsibilities of the facility to ensure that it functions to capacity.

(2) Complete a project identified by the municipality as equivalent to the environmental impact created by the exemption or variance.

(a) If these criteria cannot be met on site, the Township has identified the retrofitting of existing basins as the primary mode for mitigation measures to follow. Through clearing sediment, expanding capacity, or bringing the basin into compliance with water quality standards, mitigation opportunities have the potential to significantly improve stormwater management issues that face Marlboro Township.

(b) As many of the developments in Marlboro were constructed with curb and gutter drainage, stormwater is often funneled and released directly into an adjoining water body. As these methods are contrary to the stormwater management BMPs outlined in the NJDEP's BMP Manual

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

(3) Provide funding for municipal projects that would address existing stormwater impacts. The third and least preferable stormwater mitigation option is for the applicant to provide funding or partial funding for an environmental enhancement project that has been identified in the municipal stormwater management plan, or towards the development of a regional stormwater management plan. The contributed funds must be equal or greater than the cost to implement the required on-site stormwater measure for which relief is requested including the cost of land, easements, engineering design, and long-term maintenance. However, with this option, Marlboro Township, not the applicant, is ultimately responsible for the design, property acquisition, construction, construction management, maintenance (short-term and long-term) and follow-up study, unless that project and its prospective costs have been outlined within this mitigation plan. An applicant may also propose a mitigation project on a site that has not been identified in this mitigation plan. However, in each circumstance the selection of a mitigation project must incorporate the following requirements:

- (a) The project must be within the same area that would contribute to the receptor impacted by that project.
- (b) Legal authorization must be obtained to construct the project at the location selected. This includes the maintenance and any access needs for the project throughout its operation.

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

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

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

(f) Mitigation projects that address green infrastructure standards must use green infrastructure BMPs in Table 1, and/or an alternative stormwater management measure approved in accordance with §220-150G that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the waiver. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm, as defined at §220-150P(4) at a minimum, and is subject to the applicable contributory drainage area limitation specified at §220-150G or §220-150O(2) as applicable.

(g) For projects addressing the groundwater recharge performance standard, a mitigation project site upstream of the location of the actual project site is preferable to a downstream location. Additionally, one of the following must be satisfied:

[1] The average annual groundwater recharge provided by the mitigation project must equal or exceed the average annual groundwater recharge deficit resulting from granting the waiver for the major development; or

[2] Runoff infiltrated during the two-year storm from the mitigation project must equal or exceed the deficit resulting from granting the waiver from the required infiltration of the increase in runoff volume from pre-construction to post-construction from the major development.

(h) Mitigation projects that address stormwater runoff quantity must satisfy the following:

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

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

[3] The mitigation project provides peak flow rate attenuation in accordance with N.J.A.C. 7:8-5.6(b)3 for an equivalent or greater area than the area of the major development subject to the waiver. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.

(i) Mitigation projects that address stormwater runoff quality must satisfy the following:

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

[2] The mitigation project must remove nutrients to the maximum extent feasible in accordance with N.J.A.C. 7:8-5.5(f).

C. Requirements for mitigation projects.

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

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

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

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

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

(e) Responsible party. The mitigation project submission must list the party or parties responsible for the construction or maintenance of the mitigation project. Documentation must be provided to demonstrate that the responsible party is aware of, has authority

to perform, and accepts the responsibility for the construction and the maintenance of the mitigation project. Under no circumstances shall the responsible party be an individual single-family homeowner.

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

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

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

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

The following Resolution #2021-188 (Renewal of Liquor Licenses - July 1, 2021 to June 30, 2022) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-188

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2021 through June 30, 2022:

- | | |
|--|-----------------|
| 1. Hituja Corp.
T/A Marlboro Buy Rite Liquors | 1328 44 001 006 |
| 2. 476 Route 520 Corp.
T/A Samvera Restaurant | 1328 33 002 013 |
| 3. Just Sports Bar & Grill
T/A Fireside Grill & Bar | 1328 33 003 004 |
| 4. Anthony's Bella Vista Country Club | 1328 33 004 005 |
| 5. S & A Route 79, Inc.
T/A Crown Palace | 1328 33 005 008 |
| 6. Marlboro BWW LLC | 1328 33 007 006 |
| 7. Pampini, LLC T/A Brioso | 1328 33 008 011 |
| 8. M. S. D. Enterprise, Inc.
T/A Martucci's Deli | 1328 44 009 004 |
| 9. Morganville Ind. Vol. Fire Co. | 1328 31 012 001 |
| 10. Morganville Vol. Fire Co. | 1328 31 013 001 |
| 11. J.R.J. Hospitality Inc.
T/A Nonna's | 1328 33 015 012 |
| 12. Cambridge Spirits, Inc. | 1328 44 016 004 |
| 13. Zin Marlboro, LLC
T/A Tio Taco + Tequila Bar | 1328 33 017 003 |
| 14. Rosalita's Roadside Cantina | 1328 33 018 002 |
| 15. B & B Hospitality Group
T/A Osteria | 1328 33 019 002 |
| 16. Cuzin's Clam Bar LLC | 1328 33 020 004 |
| 17. Exit 123 Liquors, LLC | 1328 44 021 001 |
| 18. Anthony's Coal Fired Pizza | 1328 33 022 001 |

BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2021-189 (Renewal of Liquor License - July 1, 2021 to June 30, 2022 - Wickatunk Holdings, LLC) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor. Councilwoman Mazzola abstained and Councilman Scalea was absent.

RESOLUTION #2021-189

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor License be and they are hereby renewed for the period beginning July 1, 2021 through June 30, 2022:

Wickatunk Holdings LLC

1328 33 010 003

BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2021-190 (Appointment of Deputy Municipal Clerk - Jennifer M. Johnson) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-190

RESOLUTION APPOINTING JENNIFER M. JOHNSON
AS DEPUTY MUNICIPAL CLERK

BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, pursuant to N.J.S.A. 40A:9-135 et seq. and Township Ordinances Section 4-27, that it does hereby appoint JENNIFER M. JOHNSON as Deputy Municipal Clerk of the Township of Marlboro.

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

- a. Jennifer M. Johnson
- b. Township Administrator
- c. Township Attorney
- d. Human Resources

The following Resolution #2021-191 (Confirming Emergency Water Main Repairs) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilwoman Marder and passed on a roll call

vote of 3 - 0 in favor. Council President Cantor abstained and Councilman Scalea was absent.

RESOLUTION #2021-191

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH AND PAYMENTS TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS AND WATER WORKS SUPPLY CO., INC. FOR THE SUPPLY OF EMERGENCY WATER DISTRIBUTION PRODUCTS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, during 2020 and 2021, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 2007, 2030, 2032, 2038, 2039, 2040, 2041, 2042, 2047, 2048, 2101, 2104, 2105, 2108; and

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

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

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

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Water Utility contacted its existing emergency water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., PO BOX 8939, RED BANK, NEW JERSEY, 07701 to provide the emergency repairs related to the above mentioned emergencies in an amount of \$260,032.76; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, WATER WORKS SUPPLY CO., INC., 660 State Highway 23 P.O. Box 306, Pompton Plains, New Jersey 07444 to provide the necessary emergency water distribution products related to the above mentioned emergencies in an amount not to exceed \$15,364.45; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$275,397.21 from various water operating and capital accounts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 with LUCAS CONSTRUCTION GROUP, INC. for the provision of emergency water main repairs and WATER WORKS SUPPLY CO., INC. for emergency water distribution products.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice Present Metzger, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-192

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF AN ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED AUCTIONS AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR RENEWABLE ENERGY CREDITS

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (S-RECs) which expired on May 31, 2011; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including S-RECs; and

WHEREAS, the Township has previously solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, since 2012, the Township Council authorized the engagement of Marex Spectron, an on-line purchasing agent authorized by the State of New Jersey to conduct internet-based auctions for the sale of S-RECs generated or anticipated to be generated, at a reasonable sum of \$3.00 per S-REC; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line auction services for the sale of S-RECs; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

WHEREAS, the Department of Public Works, Water Utility Division routinely monitors market conditions and advises that a contract for the sale of SRECs to be generated between June 1, 2022 and May 31, 2023 may be beneficial at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that:

Section 1. The participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

BE IT FURTHER RESOLVED, that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron for the sale of up to the estimated 900 S-RECs to be generated between June 1, 2022 and May 31, 2023; and

Section 2. Funds in the amount of \$2,700.00 have been certified by the Chief Financial Officer in Water Utility Operating account # 05-201-55-500-268030; and

Section 3. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder(s) which offer(s) the highest per credit price offering resulting from the aforementioned internet-based auction for the sale of S-RECs, provided the bid accepted offers a per S-REC price equal to or higher than \$215.00; and

Section 4. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

Section 5. A certified true copy of this Resolution shall be provided to each of the following:

- a. Marlboro Township Administrator
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Director of Public Works
- d. Marex Spectron
- e. NJ Division of Local Government Services

RESOLUTION #2021-193

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND CWA LOCAL 1075 (POLICE
DISPATCHER/ANIMAL CONTROL UNIT)

WHEREAS, the Township and CWA Local 1075 Police Dispatcher Unit ("CWA") are parties to a collective bargaining agreement that expired on December 31, 2019; and

WHEREAS, the Township and CWA engaged in negotiations for a successor collective bargaining agreement to cover employees in the CWA; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2019, for an extended term of January 1, 2020 through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and CWA, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2019; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. CWA LOCAL 1075 (Police Dispatcher/Animal Control Unit)
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION #2021-194

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND THE PUBLIC WORKS SUPERVISORS
ASSOCIATION

WHEREAS, the Township and the Public Works Supervisors Association are parties to a collective bargaining agreement that expired on December 31, 2020; and

WHEREAS, the Township and the Public Works Supervisors Association engaged in negotiations for a successor collective bargaining agreement to cover employees in the Public Works Supervisors Association; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2020, for an extended term of January 1, 2021 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and the Public Works Supervisors Association, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2020; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. Public Works Supervisors Association
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION #2021-195

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR
PROFESSIONAL LICENSED FARMLAND AUCTIONEERING SERVICES TO
MAX SPANN REAL ESTATE & AUCTION COMPANY FOR THE YEAR
2021 PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE
WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Township requires a professional, licensed farmland auctioneer, such professional services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 20, 2020 (the "Proposal") from MAX SPANN REAL ESTATE & AUCTION COMPANY, in response to the Request for Qualifications for professional services issued by the Township on October 30, 2020 which set forth the terms and conditions under which such professional services are

to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to MAX SPANN REAL ESTATE & AUCTION COMPANY, 1325 Route 31 South, Annandale, New Jersey, 08801, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5.

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal received on November 20, 2020, whereby the sole compensation to Max Spann is a 10% commission paid directly by the purchaser on top of the bid amount.

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro.

4. That notice of the award of this contract shall be published in accordance with law.

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. MAX SPANN REAL ESTATE & AUCTION COMPANY
1325 Route 31 South
Annandale, New Jersey, 08801
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION #2021-196

AUTHORIZING AWARD OF VARIOUS ESCNJ COOPERATIVE CONTRACTS
FOR THE REPLACEMENT OF VEHICLES AND RELATED EQUIPMENT FOR
THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2021 capital

program (projects 120-14 and 123-04) authorized the purchase of a replacement Class 2 (#0516) vehicle and a replacement Class 4 (#0402) vehicle and related equipment for the Department of Public Works; and

WHEREAS, due to the unexpected engine failure of unit 9911, the Department of Public works is requesting to purchase a second Class 2 vehicle in lieu of the Class 4 vehicle originally requested and approved; and

WHEREAS, the Township is authorized to acquire vehicles and related equipment from bids obtained from a cooperative pricing system such as the Educational Services Commission of NJ (ESCNJ) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, UNITED FORD, LLC was awarded the ESCNJ Cooperative Contract #20/21-09 for a Class 2 2022 Ford F-250 in an amount not to exceed \$35,817.30 and a Class 2 2022 Ford F-350 in an amount not to exceed \$37,070.63, per the attached quotations provided; and

WHEREAS, TRIUS INC., was awarded the ESCNJ Cooperative Contract #18/19-25 for various plow equipment for the Class 2 vehicles mentioned above in an amount not to exceed \$11,044.34, per the attached quotations provided; and

WHEREAS, in a memo dated June 10, 2021 the Director of Public Works has indicated that the acquisition of these replacement vehicles and related equipment through the various ESCNJ Cooperatives represents the best value for the Township; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro for the Department of Public Works to replace these vehicles and related equipment through the various ESCNJ Cooperatives; and

WHEREAS, that the Chief Financial Officer has certified funds in the amount of \$83,932.27 in Capital Accounts #04-215-21-04G-120297 and #04-215-21-04K-123297; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles and related equipment through the ESCNJ Cooperative contracts identified above in an amount not to exceed \$83,932.27.

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

- a. UNITED FORD, LLC
- b. TRIUS INC.
- c. Business Administrator
- d. Director of Public Works
- e. Chief Financial Officer

RESOLUTION #2021-197

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES
FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

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

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the BOE has awarded a contract in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certified funds for the estimated contract total for the period July 1, 2021 through December 31, 2021, as follows:

Bid Item	Location	2021 budget	account
BID 1	Municipal Facilities	58,706.66	01-201-26-122-288126
Optional Service 5	Police Station	3,900.00	01-201-26-122-288126
Optional Service 7	Parks	4,875.00	01-201-23-123-288458 01-201-23-123-288409
Optional Service 8	Recreation Center	20,400.00	01-201-28-145-288475 09-201-55-400-288454
Proposed 2021		87,881.66	

; and

WHEREAS, funds for the 2022 portion of the contract estimated at \$87,881.66 will be certified by the Chief Financial Officer upon adoption of the 2022 Municipal Budget.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-198

A RESOLUTION AWARDDING CONTRACT TO MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (2021-13), and on May 4, 2021, received three (3) bids, as follows:

	Mazza Mulch Inc. 3230A Shafto Rd Tinton Falls, NJ 07753	Britton Industries Inc. 227 Bakers Basin Rd Lawrenceville, NJ 08648	The Firewood Farm, Inc. 325 Bergen Street South Plainfield, NJ 07080
Item Description	Bid Price	Bid Price	Bid Price
Unit Price Per Cubic Yard	\$4.05	\$5.98	\$12.50
Estimated Cubic Yards of Material	30,000	30,000	30,000
Estimated Frequency	2 Times/Year	2 Times/Year	2 Times/Year
Annual Bid Amount	\$243,000.00	\$357,000.00	\$750,000.00
Weekly Rate for Grinding and Disposal of material	\$45,000.00	\$37,500.00	\$75,000.00
Daily Rate for Grinding and Disposal of material	\$9,500.00	\$7,500.00	\$15,000.00

; and

WHEREAS, following a review of the bids, as described in a memo dated May 6, 2021 from the Director of Public Works, it has been determined that the submission of the apparent lowest responsible bidder, MAZZA MULCH, INC., for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS is responsive; and

WHEREAS, the Director of Public Works has recommended the award of contract for ON-SITE BRUSH GRINDING SERVICES to MAZZA MULCH, INC., the apparent lowest responsible bidder for the total bid price amount not to exceed \$243,000.00, for a term of one (1) year beginning on July 1, 2021 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to MAZZA MULCH, INC., whose address is 2330A Shafto Road, Tinton Falls, NJ 07753, at the unit price bid of \$4.05 per cubic yard in a total amount not to exceed \$243,000.00 for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, Contracts with MAZZA MULCH, INC., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that funds in the amount of \$81,000.00 representing the Department's estimated 2021 requirement have been certified by the Chief Financial Officer from account #01-201-26-117-288103.

BE IT FURTHER RESOLVED, that funds for the remaining portion will be certified by the Chief Financial Officer at the time services are ordered, and upon adoption of the 2022 municipal budget.

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

- a. MAZZA MULCH, INC.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION #2021-199

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CAMPBELL FREIGHTLINER, LLC FOR THE PROVISION OF TWO (2) NEW AND UNUSED 2021 OR NEWER TANDEM AXLE DUMP TRUCKS WITH SNOWPLOW HITCHES, SNOWPLOW AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro as part of its 2021 Capital Program (120-1) authorized the purchase of two (2) replacement Tandem Axle Dump Trucks with Snowplow Equipment for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF TWO (2) NEW AND UNUSED 2021 OR NEWER TANDEM AXLE DUMP TRUCKS WITH SNOWPLOW HITCHES, SNOWPLOW AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW), and on May 19, 2021, received three (3) bids, as follows:

		Campbell Freightliner, LLC 1015 Cranbury South River Road P.O. Box 7600 Monroe, NJ 08831	Gabrielli Kenworth of NJ, LLC 2306 Route 130 North Dayton, NJ 08810	Hunter Jersey Peterbilt 524 Monmouth Road P.O. Box 729 Clarksburg, NJ 08510
Item A-1	ONE 72,000 GVWR Tandem Axle Dump Truck with Snowplow Hitches, Snowplow and Related Equipment	253,477.00	260,749.50	261,246.00
Item A-2	Total for TWO 72,000 GVWR Tandem Axle Dump Trucks with Snowplow Hitches, Snowplows and Related Equipment	506,954.00	521,499.00	522,492.00
Opt. 1	Trade-in of ONE (1) 2004 Volvo Tandem Axle Garbage Truck with approx. 88,000 miles, as in condition with ONE (1) 11 foot Power Angle Snow Plow	12,500.00	7,500.00	6,000.00
Opt. 2	Trade-in of ONE (1) 2004 Volvo Tandem Axle Garbage Truck with approx. 94,000 miles, as in condition with ONE (1) 11 foot Power Angle Snow Plow	12,500.00	7,500.00	6,000.00
Grand Total (A-2 + Option 1 + Option 2)		481,954.00	506,499.00	510,492.00

; and

WHEREAS, in a memo dated May 27, 2021, the Director of Public Works has reported that the apparent lowest responsible bid from Campbell Freightliner, LLC is responsive and has recommended that a contract for the PROVISION OF TWO (2) NEW AND UNUSED 2021 OR NEWER TANDEM AXLE DUMP TRUCKS WITH SNOWPLOW HITCHES, SNOWPLOW AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) be awarded to Campbell Freightliner, LLC, 1015 Cranbury South River Road, P.O. Box 7600, Monroe, NJ 08831; and

WHEREAS, the recommendation of the Director of Public Works consists of Bid Item A-2 for two (2) 72,000 GVWR Tandem Axle Dump Trucks with Snowplow Hitches, Snowplows and Related Equipment, and both bid options for the trade-in of two (2) 2004 Tandem Dump Trucks, inventory IDs #0420 and #0421; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Campbell Freightliner, LLC, 1015 Cranbury South River Road, P.O. Box 7600, Monroe, NJ 08831 in an amount not to exceed \$481,954.00 for the purchase of PROVISION OF TWO (2) NEW AND UNUSED 2021 OR NEWER TANDEM AXLE DUMP TRUCKS WITH SNOWPLOW HITCHES, SNOWPLOW AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW), including the trade-in of Marlboro vehicles #0420 and #0421.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Campbell Freightliner, LLC whose address is 1015 Cranbury South River Road, P.O. Box 7600, Monroe, NJ 08831 in an amount not to exceed \$481,954.00 for the PROVISION OF TWO (2) NEW AND UNUSED 2021 OR NEWER TANDEM AXLE DUMP TRUCKS WITH SNOWPLOW HITCHES, SNOWPLOW AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW), including the trade-in of Marlboro vehicles #0420 and #0421.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$481,954.00 are available for the aforesaid contract in Capital Account 04-215-21-04G-120297.

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

- a. Campbell Freightliner, LLC
- b. Township Administrator
- c. Director of Public Works
- d. Chief Financial Officer
- e. Insurance

RESOLUTION #2021-200

A RESOLUTION AUTHORIZING SUPPORT OF THE REPLACEMENT OF
THE UNION HILL ROAD BRIDGE OVER ROUTE 9 BY THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT)

WHEREAS, the State of New Jersey, Department of Transportation (NJDOT) has begun the concept phase for the replacement of the Union Hill Road Bridge over New Jersey State Highway Route 9 in the Township of Marlboro; and

WHEREAS, the primary purpose of the project is to replace the existing bridge due to its age and condition; and

WHEREAS, the bridge replacement will improve the vertical underclearance, improve the deck geometry, improve pedestrian and

bicycle accommodations and improve traffic operations and safety;
and

WHEREAS, the construction will be phased to maintain one-way traffic and pedestrian access over the bridge at all times.

WHEREAS, the NJDOT has determined that the eastbound traffic has a higher volume and therefore eastbound traffic will be maintained and the westbound traffic will be detoured; and

WHEREAS, the westbound detour will require traffic to divert to CR 3(Tennent Road), CR 520 (Newman Springs Road) and NJSH Route 9; and

WHEREAS, the NJDOT has projected a schedule providing for construction activities to begin in 2027, based on funding availability, and will take approximately 1.5 years to complete; and

WHEREAS, the NJDOT has conducted Local Officials Briefing Meetings in both February 2020 and March 2021 and has requested a resolution of support from the Township of Marlboro; and

WHEREAS, the Township Engineer in consultation with the Division of Police has reported that the NJDOT improvements as proposed in concept serve the best interests, safety, and welfare of the citizens of Marlboro Township and Monmouth County, however requests that during the design of the project that the NJDOT reviews several issues as it relates to the maintenance and protection of traffic and westbound detour as outlined in a memo dated April 9, 2021 and submitted to the NJDOT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro accepts and supports the Union Hill Road Bridge over NJSH Route 9 Replacement project.

RESOLUTION #2021-201

AUTHORIZATION TO SUBMIT A GRANT APPLICATION AND EXECUTE A
GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE "IMPROVEMENTS TO RYAN ROAD" PROJECT

WHEREAS, Ryan Road between State Highway 79 and Robertsville Road in Marlboro is a heavily utilized roadway which is in need of pavement resurfacing; and

WHEREAS, the Township wishes to apply for funding through the New Jersey Department of Transportation (NJDOT) for the project, and

WHEREAS, the Township requires approval from the Township Council to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvements to Ryan Road-00131 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION #2021-202

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT "S&S REALTY MANAGEMENT LLC", BLOCK 361, LOT 1, LOCATED AT 17 TIMBER LANE, MARLBORO, NJ 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Joshua C. Silverman, for the release of the Township held Performance Guarantees in the form of a Cash Deposit for the site improvements ("Site Improvements") on the Site known as "S&S Realty Management LLC" (the "Site"), property known as Block 361, Lot 1, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by S&S Manufacturing (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated April 27, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Cash Deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated April 27, 2021.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Cash Deposit posted by the Developer, S&S Manufacturing, for the site known as S&S Realty Management LLC located on property known as Block 361, Lot 1, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit, PNC Bank N.A. check no. 8453, dated December 3, 2018, in the original and present amount of \$6,651.27 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and that the posting of a two (2) year fifteen percent (15%) maintenance bond be waived due to the timing of these matters; and

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

- a. S&S Manufacturing
- b. PNC Bank, N.A.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

RESOLUTION #2021-203

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE WATER SYSTEM IMPROVEMENTS AT COLUMBIA BANK (GARIBO, LLC),
BLOCK 270, LOT 13, LOCATED AT 133 ROUTE 9 SOUTH, MARLBORO NJ
07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Michael J. Pratico, Jr., Columbia Bank, for the release of the Township held Performance Guarantees in the form of two cash deposits for the water system improvements ("Water System Improvements") on the Site known as "Columbia Bank (Garibo, LLC)" (the "Site"), property known as Block 270, Lot 13, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Columbia Bank (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report

dated May 12, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current cash deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the cash deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated May 12, 2021.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of two cash deposits posted by the Developer, Columbia Bank, for the site known as Columbia Bank (Garibo, LLC) located on property known as Block 270, Lot 13, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit, Columbia Bank check no. 47404, dated December 1, 2014, in the original and present amount of \$5,005.65 (excludes accrued interest), shall be released in its entirety; and
2. The Cash Deposit, Columbia Bank check no. 47406, dated December 1, 2014, in the original and present amount of \$45,050.04 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and that the posting of a two (2) year fifteen percent (15%) maintenance bond be waived due to the timing of these matters; and

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

- a. Columbia Bank
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Louis Rainone, Esq., Township Attorney
- f. Kurt Eifert, PE, Township Water Division

RESOLUTION #2021-204

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE TOWNSHIP'S OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the Township of Marlboro has an ongoing commitment to expand the inventory of lands that are dedicated for farmland, open space and recreation, and preserved from residential development; and

WHEREAS, the Township routinely exercises rigorous environmental due diligence in order to ensure that land acquisitions provide the maximum benefit to Marlboro taxpayers, and remain eligible for State and County funding programs where applicable; and

WHEREAS, CME Associates has provided a proposal dated June 10, 2021 (the "Proposal") for a Preliminary (Phase I) Environmental Assessment required on two parcels under consideration for preservation, for a not to exceed cost of \$8,500.00 ("Professional Services"); and

WHEREAS, CME Associates has provided a general budget estimate of \$6,500.00 per project for use in budgeting environmental due diligence costs on additional acquisition prospects; and

WHEREAS, the Township estimates that it will need authorization for two additional reports for purposes of pursuing prospective open space acquisitions; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$21,500.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$21,500.00 are available in Capital Account 04-215-11-04A-140291 for this purpose; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract

with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include engineering services by way of its Township Engineers, at a fee not to exceed \$21,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated June 10, 2021, be and is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$21,500.00 for such additional Professional Services for the Project as described in the Proposal.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION #2021-205

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE OFFSITE STORMWATER IMPROVEMENTS AT THE SITE KNOWN AS
CHELSEA SQUARE, BLOCK 132, LOTS 12.01, 13 AND 14,
LOCATED AT BECKET WAY, MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Dan Werbler, Chelsea Commons, LLC, for the release of the Township held Performance Guarantees in the form of a Cash Deposit for the offsite stormwater improvements ("Improvements") on the Site known as "Chelsea Square" (the "Site"), property known as Block 132, Lots 12.01, 13, and 14, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Chelsea Commons, LLC, N/A (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated April 20, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current cash deposit amount being held by the Township be released in its entirety; and

WHEREAS, the Township Council desires to release the cash deposit amount in its entirety in accordance with the recommendation of the Township Engineer's report dated April 15, 2021.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a cash deposit posted by the Developer, Chelsea Commons, LLC, for the site known as Chelsea Square located on property known as Block 132, Lot 12.01, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit, Wachovia Bank N.A. check no. 992 dated April 21, 2005, in the original and present amount of \$20,000.00 (excludes accrued interest) shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release and that the two-year, 15% maintenance bond be waived due to the timing of these matters; and

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

- a. Chelsea Commons, LLC
- b. Wachovia Bank, N.A.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney

RESOLUTION #2021-206

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION PURSUANT TO
NJS 40A:4-48 AND AUTHORIZING THE FINANCING OF THE
EMERGENCY APPROPRIATION THROUGH THE USE OF SURPLUS OR THE
ISSUANCE OF EMERGENCY NOTES PURSUANT TO NJS 40A:4-50

WHEREAS, there exists a public health crisis due to the COVID-19 pandemic that prompted Governor Murphy to declare a State of Emergency and Public Health Emergency throughout New Jersey, and to issue a series of Executive Orders to protect the health and well-being of the public; and

WHEREAS, the 2021 budget was approved under the assumption that most user fee-based activities and community-wide events would be cancelled in 2021 due to the pandemic; and

WHEREAS, with the recent relaxation of restrictions by the Governor in May 2021, the Township has determined that it is a matter of public welfare to begin offering recreation programs and special events to residents, specifically senior citizens and school children who have been without the normal social outlets during the pandemic; and

WHEREAS, there was no budget for these programs provided for in the 2021 Current Fund and Recreation Utility budgets; and

WHEREAS, a substantial portion of the required expenditures will be offset by user fees collected from registered program participants.

WHEREAS, the level of restrictions on recreation programming could not have been predicted at the time the 2021 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, emergency appropriations are necessary at this time in order to provide programs essential to maintaining the health, safety and welfare of the populace in the time of the COVID-19 pandemic; and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the Township consulted with the New Jersey Division of Local Government Services (DLGS) on its proposed emergency authorizations for purposes of running recreation programs during the remainder of 2021, and DLGS has agreed that the use of an emergency appropriation for this purpose is appropriate; and

WHEREAS, the total amount of the emergency appropriations created in the Current Fund budget, including the appropriation to be created by this resolution is \$43,891.00 and three (3) percent of the total operating appropriations in the Current Fund budget for 2020 is \$1,215,187.01; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2020; and

WHEREAS, the total amount of the emergency appropriations created in the Recreation and Swim Utility budget, including the appropriation to be created by this resolution is \$438,950.17 and three (3) percent of the total operating appropriations for both the Current Fund and the Recreation Swim and Utility Fund for 2021 is \$1,256,790.33, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2021; and

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation in the Current Fund budget is hereby made for recreation programming costs as to salaries and wages and/or other expenses in the amount of \$43,891.00.
2. That said emergency appropriation shall be provided for in full in the 2021 Current Fund budget, and is requested to be excluded from both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation in the Recreation Utility budget is hereby made for recreation programming costs as to salaries and wages and/or other expenses in the amount of \$438,950.17.
2. That said emergency appropriation shall be provided for in full in the 2021 Recreation Utility budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION #2021-207

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #89850 TO
DELL MARKETING FOR THE PURCHASE OF MICROSOFT SERVER AND
CLIENT SOFTWARE, FOR THE TOWNSHIP OF MARLBORO DIVISION
OF INFORMATION TECHNOLOGY

WHEREAS, the Township of Marlboro as part of its 2021 capital program (033-1) authorized the acquisition of software licensing for the Marlboro Division of Information Technology ("IT"); and

WHEREAS, the Township utilizes Microsoft software and services for the vast majority of its computing needs; and

WHEREAS, in order to procure this software licensing in the most cost effective and efficient manner possible, the Township has previously entered into 3-year Enterprise Agreements with Microsoft via Dell on State Contract #89850; and

WHEREAS, purchasing software in this manner provides the Township with not only outright software ownership but the ability to upgrade to the latest version of all software for the term of the agreement; and

WHEREAS, additionally, this software upgrade ability, known as "Software Assurance" in Microsoft parlance, also comes with several other benefits including planning and deployment benefits, and special access to software used by IT; and

WHEREAS, this renewal represents an opportunity for the Township to take advantage of Microsoft 365 which is a bundle of Office 365 cloud services and Windows licensing; and

WHEREAS, the Chief Information Officer has recommended, in a memo dated June 2, 2021, that the Township purchase Microsoft Server

and Client Software from Dell Marketing under State Contract #89850 in an amount not to exceed \$119,935.56; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the IT Division to obtain the Microsoft Server and Client Software from Dell Marketing; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$119,935.56 from Capital Account 04-215-21-04B-033297; and

WHEREAS, the Township Council desires to approve the purchase of Microsoft Server and Client Software from Dell Marketing.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase of Microsoft Server and Client Software from Dell Marketing, One Dell Way, Round Rock, TX 78682, under State Contracts #89850 in an amount not to exceed \$119,935.56.

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

- a. Dell Marketing
- b. Business Administration
- c. Chief Information Officer
- d. Chief Financial Officer

RESOLUTION #2021-208

RESOLUTION AUTHORIZING AWARD OF CRANFORD POLICE
COOPERATIVE PRICING SYSTEM (#47-CPCPS) TO BEYER FLEET
SALES SERVICES FOR THE PURCHASE OF VEHICLES AND RELATED
EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DIVISION OF
POLICE

WHEREAS, the Township of Marlboro as part of its 2021 capital program authorized the purchase of replacement vehicles for the Marlboro Township Division of Police (106-2.2 & 106-2.3); and

WHEREAS, the Township is authorized to purchase the replacement vehicles and related equipment from bids obtained from a cooperative pricing system such as the Cranford Police Cooperative Pricing System

pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, Beyer Fleet Sales Services, was awarded the Cranford Police Cooperative Contract #47-CPCPS for the 2021 Dodge Durango Pursuit Rated All Wheel Drive Base Vehicle and the additional manufacturer equipment in an amount not to exceed \$33,267.00; and

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township replace the two (2) vehicles identified in the capital program for replacement and reassignment (IDs 0901 and 1908) under the Cranford Police Cooperative Pricing System for a total amount not to exceed \$66,534.00; and

WHEREAS, the 2021 Dodge Durangos are equipped with all options under the Cooperative Contract #47-CPCPS, with the exception of the following items, for which the Township obtained the pricing from Beyer Fleet Sales Services:

Description	Unit Cost	Qty	Total Cost
Skid Plate Group	\$295.00	2	\$590.00
Blind Spot & Cross Path Detection	\$495.00	2	\$990.00
De-Active Rear Doors/Windows	\$75.00	1	\$75.00
Black Left LED Spot Lamp	\$545.00	1	\$545.00
Entire Fleet Alike Key (Freq 3)	\$140.00	2	\$280.00
Radio Noise Suppression Grounding	\$370.00	2	\$740.00
Secure Idle - Idle Lock	\$325.00	2	\$650.00
Wheels 18" x 8.0 " Painted Aluminum	\$545.00	1	\$545.00
Total			\$4,415.00

; and

WHEREAS, the Township attempted to solicit pricing on the vehicle options not covered under Cooperative Contract #47-CPCPS and determined that the price quoted by Beyer Fleet Sale Services Inc. was the lowest and most advantageous; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement vehicles and related equipment to be utilized by the Division of Police; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$70,949.00 from capital accounts #04-215-21-04E-106297 and 04-215-21-04F-106297; and

WHEREAS, the Township Council desires to approve the recommendation of the Chief of Police to purchase the replacement vehicles and related equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles for the Marlboro Township Division of Police from Breyer Fleet Sales Service under the Cranford Police Cooperative Pricing System (#47-CPCPS) including the vehicle options not covered under the Cooperative contract in a total amount not to exceed \$70,949.00.

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

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

RESOLUTION #2021-209

RESOLUTION AUTHORIZING AWARD OF VARIOUS STATE CONTRACTS
FOR PURCHASE OF POLICE VEHICLE EQUIPMENT FOR THE
TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2020 and 2021 capital programs authorized the purchase of replacement police vehicle equipment for the Division of Police (Projects 106-2.11, 106-2.21, 106-2.31 & 106-14); and

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

WHEREAS, the required replacement police vehicle equipment for the Division of Police is available under various State contracts for a total of \$252,961.12, as follows:

Project Year	Project ID	Amount	Vendor	Description	Contract #
2020 / 2021	106-2.11, 2.21	\$27,608.80	General Sales Admin	Prisoner Partitions & Push Bumpers	17-FLEET-00768
2020/2021	106.2.11	\$8,471.52	General Sales Admin	Push Bumpers	17-FLEET-00760
2021	106-14	\$20,818.00	Stalker Radar	Patrol Radars	17-FLEET-00726
2020/2021	106-2.11	\$37,319.60	Kaldor	Police Vehicle Builds	17-FLEET-00749
2020/2021	106-2.21	\$12,740.30	Kaldor	Police Vehicle Builds	17-FLEET-00749
2021	106-2.11	\$10,863.45	Kaldor	Police Vehicle Builds	17-FLEET-00749
2020/2021	106-2.31	\$14,694.90	Kaldor	Vehicle Upfit	17-FLEET-00749
2020/2021	106-2.11, 2.21.2.31	\$3,443.82	GTBM	Police Vehicle Equipment	89980
2020/2021	106-2.11	\$22,147.20	PMC Associates	Police Vehicle Mobile Radios	83900
2020/2021	106-2.11, 2.21, 2.31	\$9,541.00	PMC Associates	Police Vehicle Equipment	83900
2020	106-2.11	\$5,591.40	Wireless Communications	Police Vehicle Equipment	89980
2020/2021	106-2.11	\$39,042.15	SF Mobile Vision	Mobile Video Recorders	17-FLEET-00731
2020/2021	106-2.11, 2.21	\$34,166.98	Major Police Supply	Patrol Light Bars & Sirens	17-FLEET-00760
2020/2021	106-2.11	\$6,512.00	Lifesavers, Inc	Defibs	84689

; and

WHEREAS, a number of the additional items of equipment required are not available on State Contracts, for which the Township has solicited the following low quotations in the total amount of \$20,340.12:

Project Year	Project ID	Amount	Vendor	Description
2020	106-2.11	\$2,202.00	General Sales Admin	Spot Lights
2020/2021	106-2.11, 2.21, 2.31	\$3,734.10	Kaldor	Police Vehicle Equipment
2020/2021	106-2.11, 2.21	\$5,704.02	Elite Vehicle Solutions	Police Consoles
2020	106-2.11	\$8,700.00	Wireless Communications	Refurbished "Toughbooks"

; and

WHEREAS, the Township has also solicited the following low quotations for additional materials and services required to outfit the vehicles in the total amount of \$19,070.75:

Project Year	Project ID	Amount	Vendor	Description
2020/2021	106-2.11, 2.21	\$7,630.00	Bry Pat Advertising Specialties Inc.	Police Vehicle Lettering
2020/2021	106-2.11, 2.21	\$11,440.75	Atlantic Applications	Police Vehicle White Vinyl

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the above referenced vehicle equipment, materials and services utilizing State contracts where available, and price quotations where State contract pricing is not available.

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the above referenced vehicle equipment utilizing State contracts where available, and price quotations where State contract pricing is not available.

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the equipment for the police vehicles to be utilized by the Police Division; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$292,371.99 from Capital Accounts #04-215-21-04E-106297 and #04-215-20-05D-106297; and

WHEREAS, the Township Council desires to approve the recommendation of the Chief of Police to purchase the replacement police vehicle equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the police vehicle equipment from the vendors and under the State Contracts identified above in an amount not to exceed \$292,371.99.

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

- a. Township Administrator
- b. Township Chief of Police
- c. Township Chief Financial Officer

RESOLUTION #2021-210

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT (#88729)
TO HERTRICH FLEET SERVICES, IN FOR THE PURCHASE OF NINE
(9) VEHICLES AND RELATED EQUIPMENT FOR THE TOWNSHIP OF
MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2020 and 2021 capital programs authorized the purchase of replacement vehicles for the Marlboro Township Division of Police (106-2.1); and

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

WHEREAS, Hertrich Fleet Services, Inc., was awarded the State Contract #88729 for the 2021 Dodge Charger 4DR sedan and the related equipment in an amount not to exceed \$27,139.00; and

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the nine (9) vehicles and the related equipment under State contract #88729 for a total amount not to exceed \$244,251.00; and

WHEREAS, the 2021 Dodge Charger 4DR Sedans are equipped with all options under the State Contract #88729, with the exception of the All-Wheel Drive System (including a 3.6L V6 engine) at a cost of \$2,364.00 per vehicle for a total amount not to exceed \$21,276.00; and

WHEREAS, while impractical to purchase the All-Wheel Drive System (including a 3.6L V6 Engine) separately from the vehicle, the Township attempted to solicit pricing on the option not covered under the State Contract, and determined that the price quoted by Hertrich Fleet Services, Inc. was the lowest and most advantageous; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement vehicles with related equipment and the All-Wheel Drive System (including a 3.6L V6 Engine) to be utilized by the Division of Police; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$265,527.00 from capital accounts #04-215-20-08A-106297 and #04-215-21-11A-106297; and

WHEREAS, the Township Council desires to approve the recommendation of the Chief of Police to purchase the replacement vehicles with related equipment and the All-Wheel Drive System (including a 3.6L V6 Engine).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles with related equipment for the Marlboro Township Division of Police from Hertrich Fleet Services, Inc. under State Contract #88729 and the All-Wheel Drive System (including a 3.6L V6 Engine) in a total amount not to exceed \$265,527.00.

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

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

RESOLUTION #2021-211

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO THROUGH THE MARLBORO DIVISION OF POLICE TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE MARLBORO DIVISION OF POLICE 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 of Defense personal property by making that 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 municipal and county LEAs 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 LEAs, these entities are responsible for the costs 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 a 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 Township Council of the Township of Marlboro that the Marlboro Division of Police is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2021 to December 31, 2021; and

BE IT FURTHER RESOLVED, that the Marlboro Division of Police is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, 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 needs of the Marlboro Division of Police, without restriction; and

BE IT FURTHER RESOLVED, that Marlboro Division of Police is hereby authorized to acquire any of the controlled property designated "DEMIL B through Q" in the attached schedule if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED, that Chief Peter J. Pezzullo of the Marlboro Division of Police shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

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

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2021 to December 31, 2021.

RESOLUTION #2021-212

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH
COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES
AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO
PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN
MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational

setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

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

WHEREAS, the Township of Marlboro and Marlboro Board of Education are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 16, 2019 (R.2019-185) the Municipal Council authorized an amendment to the Shared Services Agreement to be executed with the Marlboro Board of Education extending the existing agreement to provide for School Resource Officers (SROs) for the 2019/2020 school year; and

WHEREAS, on May 21, 2020 (R.2020-163) the Municipal Council amended the Shared Services Agreement to be executed with the MTBOE to provide for School Resource Officers (SROs) for the 2020/2021 school year; and

WHEREAS, the Township and the MTBOE wish to extend the agreement to include the 2021/2022 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

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

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

3. The Mayor and Municipal Clerk are hereby authorized to execute an amendment to the Shared Services Agreement with the MTBOE providing for the reauthorization of the School Resource Officer program for the 2021/2022 school year.

4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-213

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY REAUTHORIZING A SHARED SERVICES AGREEMENT WITH MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL SECURITY OFFICERS(SSOs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

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

WHEREAS, the Township of Marlboro and Marlboro Township Board of Education are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 16, 2019, the Township and MTBOE (R. 2019-187) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro Township K-8 Schools for the 2019/2020 school year; and

WHEREAS, on May 21, 2020 (R.2020-162) the Municipal Council amended the Shared Services Agreement to be executed with the MTBOE to provide for School Security Officers (SSOs) for the 2020/2021 school year; and

WHEREAS, the Township and the MTBOE wish to reauthorize the agreement to continue the School Security Officer program for the 2021/2022 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the School Security Officer program in the Marlboro K-8 Schools and endorses this partnership between the Township and the MTBOE.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute an amendment to the Shared Services Agreement with the MTBOE providing for the reauthorization of the School Security Officer program for the 2021/2022 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-214

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO HIGH SCHOOL

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local

government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 16, 2019 (R.2019-182) the Municipal Council authorized a Shared Services Agreement to be executed with the FRHSD to provide for School Resource Officers (SROs) for the 2019/2020 school year; and

WHEREAS, on May 21, 2020 (R.2020-165) the Municipal Council amended the Shared Services Agreement to be executed with the FRHSD to provide for School Resource Officers (SROs) for the 2020/2021 school year; and

WHEREAS, the Township and the FRHSD wish to extend the agreement to include the 2021/2022 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SRO program in Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute and amendment to the Shared Services Agreement with the FRHSD providing for the reauthorization of the School Resource Officer program for the 2021/2022 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-215

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY REAUTHORIZING A SHARED SERVICES AGREEMENT WITH FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL SECURITY OFFICERS (SSOs) IN MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

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

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, in 2019, the Township and FRHSD (R. 2019-186) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro High School for the 2019/2020 school year; and

WHEREAS, on May 21, 2020, the Township and FRHSD (R. 2020-164) amended the shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro High School for the 2020/2021 school year; and

WHEREAS, the Township and the FRHSD wish to reauthorize the agreement to continue the School Security Officer program for the 2021/2022 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the School Security Officer program in the Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Municipal Clerk are hereby authorized to execute an amendment to the Shared Services Agreement with the FRHSD providing for the reauthorization of the School Security Officer program for the 2021/2022 school year.

4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-217

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO GARDEN STATE FIREWORKS, INC.

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, GARDEN STATE FIREWORKS, INC. has responded to the Township's solicitation and provided the low quotation for fireworks to be displayed at the Summer Concert Series; and

WHEREAS, GARDEN STATE FIREWORKS, INC. has applied for a permit to conduct a fireworks display within the Township of Marlboro on August 8, 2021 (with a rain date of August 15, 2021) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to GARDEN STATE FIREWORKS, INC. to conduct a fireworks display on August 8, 2021 (with a rain date of August 15, 2021) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, et. seq, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the above; and
2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and
3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Risk Manager and Township Attorney.

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$6,000.00 are available in Current Account 01-201-28-145288498 for this purpose.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. GARDEN STATE FIREWORKS, INC.
- b. The Chief of the Police and Fire Department
- c. The Fire Prevention Bureau
- d. Township Business Administrator

RESOLUTION #2021-218

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$48,366.19 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$48,366.19 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-023	178/2/C0309	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Malchenkova, Dmitriy	2,807.26
2019-020	176/7/C0929	Actlien Holding Inc. 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Fish, Samuel R.	3,736.58
2019-034	332/2	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Sebok, William	3,260.57
2020-009	119.03/15	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Straus, Lloyd	5,524.53
2018-005	221/8	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Sutton, Leslie A.	27,282.76
2018-007	225/216	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Rago, Angelo & Barbara	3,043.08
2020-039	280/4	Eone Group LLC 150 Airport Rd, Suite 1200 Lakewood, NJ 08701 Assessed Owner: Vengelis, Jason & Kelly	2,711.41

RESOLUTION #2021-219

TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$4,229.47 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
312/71	McCue, William V & Denise M 10 Kathy Court Marlboro, NJ 07746	\$4,229.47

RESOLUTION #2021-220

TAX PAYMENT TO WMUA

WHEREAS, delinquent sewer charges totaling \$246.94 were paid to the Township on behalf of Western Monmouth Utilities Authority in conjunction with a lien redemption as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$246.94 be refunded to Western Monmouth Utilities Authority.

Schedule A				
BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
221	8		10 Vanderburg Road	\$246.94
Total Refunded to WMUA				\$246.94

RESOLUTION #2021-221

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH VARIOUS WATER UTILITY SYSTEM IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various Water Utility System improvements in its capital program, including the following projects ("Projects"); and

Well #1 and #2 Improvements	2019-500-08	06-215-19-02F-500288
Well #2 Redrill	2019-500-11	06-215-19-02F-500288
Well #2 Redrill	2021-500-05	06-215-21-05C-500288
State Hospital/Mockingbird Lane Water Main Extension	2020-500-01	06-215-20-06A-500288
Tennent Road Facility Upgrades (Well #5 Enclosure and Flow Metering Improvements)	2020-500-6.01, 6.02 and 6.03	06-215-12-26A-500288

WHEREAS, the Township of Marlboro Water Utility Division maintains a Geographic Information System (GIS) for the water system based upon available existing system information supplemented by GPS field location of hydrants and valves; and

WHEREAS, the Township is in need of professional engineering services in connection with the Projects as well as the maintenance and expansion of the GIS system for the Water Division ("Professional Services"); and

WHEREAS, CME Associates has provided proposals dated March 22 and April 27, 2021 (the "Proposals") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$276,198.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made apart hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$276,198.00 are available in Water Capital Accounts 06-215-19-02F-500288, 06-215-12-26A-500288 and 06-215-20-06A-500288 and Water Utility Operating Account 05-201-55-500-280020; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract

with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include Professional Services in connection with various Water Utility system improvements by way of its Township Engineers, at a fee not to exceed \$276,198.00 for such Professional Services, as further described and set forth in CME's Proposals dated March 22, 2021 and April 27, 2021, be and is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, in a form legally acceptable to the Township Attorney, an amendment to the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$276,198.00 for such additional Professional Services for the Project as described in the Proposals.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION #2021-222

RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY ON BEHALF OF THE MARLBORO TOWNSHIP WATER UTILITY DIVISION (MTWUD) TO FILE A PETITION OF INTERVENTION IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S 2021 CASE FOR APPROVAL OF AN INCREASE IN ITS RATES FOR WATER SERVICE (BPU DOCKET WR2105)

WHEREAS, the Middlesex Water Company (MWC) supplies the Marlboro Township Water Utility (MTWUD) with approximately 70% of its required water supply; and

WHEREAS, on May 20, 2021, MWC filed a petition with the New Jersey Board of Public Utilities (NJBPU) requesting a 37.79% rate increase; and

WHEREAS, MWC's proposed rate increase is weighted disproportionately on the transmission component of the total rate it charges, an increase from \$823.00 per million gallons (MG) to \$1,870.79 per million gallons (MG) or 127.31%; and

WHEREAS, under the MTWUD's contract with MWC, the impact of a 37.79% rate increase disproportionately weighted on the transmission component represents an actual effective rate increase of approximately 61.50% for the MTWUD; and

WHEREAS, if the increase is granted by the NJBPU as submitted, it will have a dramatic financial impact on the customers of the MTWUD as well as the Utility's contract customers including Gordon's Corner Water Company.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro of the County of Monmouth that the Township Attorney on behalf of the MTWUD is hereby authorized to petition the NJBPU for permission to intervene in Docket No. WR2105.

RESOLUTION #2021-223

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN REMINGTON AND VERNICK ENGINEERS AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL LICENSED WATER OPERATOR SERVICES FOR THE MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro is in need of professional licensed water operator services in order to meet the New Jersey Department of Environmental Protection (NJDEP) requirement for T-2

and W-3 licensed operator coverage for the Marlboro Township Water Utility Division; and

WHEREAS, Remington and Vernick Engineers, have provided a proposal dated May 3, 2021 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and Remington and Vernick Engineers have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) at a fee not to exceed \$20,870.00 for such Professional Services, as further described and set forth in Remington and Vernick Engineers' Proposal dated May 3, 2021, attached hereto and made a part hereof; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$20,870.00 are available in Operating Account 05-201-55-500-288020 for this purpose; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Remington and Vernick Engineers to provide the required additional Professional Services for the Service in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between Remington & Vernick Engineers and the Township of Marlboro, to expand the scope of services to include licensed water operator services, at a fee not to exceed \$20,870.00 for such Professional Services, as further described and set forth in Remington and Vernick Engineers' Proposal dated May 3, 2021, be and is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$20,870.00 for such additional Professional Services for the service as described in the Proposal.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Remington and Vernick Engineers
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

At 7:44 p.m., Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 15, 2021

OFFERED BY: METZGER

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: SCALEA

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
061721

JEFF CANTOR,
COUNCIL PRESIDENT