

**READINGTON TOWNSHIP COMMITTEE  
MEETING – MARCH 19, 2007**

Deputy Mayor Auriemma *called the meeting to order at 6:30 p.m.* announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

**PRESENT:** Deputy Mayor T. Auriemma, Mrs. J. Allen, Mr. F. Gatti and Mrs. B. Muir

**ABSENT:** Mayor G. Shamey and Engineer McEldowney

**ALSO PRESENT:** Administrator Mekovetz and Attorney Dragan

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit "A":

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis of Public Exclusion</u></b>	<b><u>Date Anticipated When Discussion Will Be Disclosed to Public</u></b>
Buildings & Grounds.....	Personnel.....	Certain information at the discretion of the Township Committee tonight... other information will remain confidential
Recreation .....	Personnel.....	" " "
Three Bridges Fire Truck Specifications.....	Contract Negotiations.....	" " "
Local 469 - White Collar Contract .....	Contract Negotiations.....	" " "
Block 21.12, Lots 34 & 34.02 (SDT, Inc.).....	Contract Negotiations.....	" " "
Stanton Ridge Wastewater Treatment Facility...	Contract Negotiations.....	" " "
Allies, Inc. ....	Contract Negotiations.....	" " "
Block 25, Lot 50 (Wilmark).....	Litigation.....	" " "
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8, Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation - Hromoho).....	Litigation.....	" " "
Executive Session Minutes (March 5, 2007)....	Attorney-Client Privilege.....	" " "
Professional Services.....	Contract Negotiations.....	" " "
Princeton Hydro City Connections, LLC Conway Consulting, Ltd. Edwards & Kelcey, Inc. Princeton Public Affairs Group		

2. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit "A."
3. This Resolution shall take effect immediately.

***EXECUTIVE SESSION RESOLUTION – continued:***

A ***MOTION*** was made at 6:30 p.m. by Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:05 p.m.

Deputy Mayor Auriemma led those present in the *Salute to the Flag*.

**Deputy Mayor Auriemma announced that the following business was completed during Executive Session:**

***Personnel - Buildings & Grounds***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Personnel – Recreation***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Contract Negotiations - Three Bridges Fire Truck Specifications***

A ***MOTION*** was made by Mr. Gatti to give Administrator Mekovetz the authority to contract with WC Peters Fire Apparatus to review these specifications, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

***Contract Negotiations - Local 469 - White Collar Contract***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Contract Negotiations - Block 21.12, Lots 34 & 34.02 (SDT, Inc.)***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Contract Negotiations - Stanton Ridge Wastewater Treatment Facility***

The following Ordinance was offered for consideration:

***AN ORDINANCE GRANTING MUNICIPAL CONSENT PERMITTING AQUA NEW JERSEY, INC., TO CONSTRUCT, MAINTAIN AND OPERATE A WASTE WATER SYSTEM TO SERVE THE STANTON RIDGE DEVELOPMENT IN THE TOWNSHIP OF READINGTON FOR THE PURPOSE OF COLLECTING AND TREATING WASTE WATER IN SAID DEVELOPMENT AND TO LAY COLLECTION MAINS, PIPES, LATERALS, SERVICE CONNECTIONS AND ANY OTHER APPARATUS OR EQUIPMENT IN AND BELOW THE SURFACE OF ANY STREETS, ROADS, HIGHWAYS OR OTHER PUBLIC PLACES NOW OR HEREAFTER ACCEPTED BY THE TOWNSHIP OF READINGTON IN ORDER TO FURNISH AND SUPPLY WASTEWATER TO SAID DEVELOPMENT***

**Ordinance #09-2007**

***PREAMBLE***

***WHEREAS***, the Stanton Ridge Homeowner's Association owns and operates a private wastewater treatment facility in the Township of Readington, in the County of Hunterdon and

State of New Jersey, including sanitary distribution lines, pumping facilities and sewage treatment plant (hereinafter "Facility"), which Facility serves the properties located within the Stanton Ridge Development; (hereinafter the "Development") and

***Stanton Ridge Wastewater Treatment Facility – continued:***

***WHEREAS***, officers of the Stanton Ridge Homeowners Association have requested the Township of Readington to consent to the transfer of the Facility to Aqua New Jersey, Inc. and have represented to the Township Committee of the Township of Readington (hereinafter "Township Committee") that the homeowners of the Development are in agreement with the transfer, in accordance with the filed Declaration of Covenants, Easements and Restrictions governing the Stanton Ridge Homeowners Association; and

***WHEREAS***, Aqua New Jersey, Inc., (hereinafter "Aqua New Jersey" or the "Grantee") currently provides waste water service pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

***WHEREAS***, Aqua New Jersey has represented to the Township Committee that the Stanton Ridge Development is suitable for the centralized waste water services provided by the Company; and

***WHEREAS***, the Township Committee has determined that the provision of such services would be best continued by a method which does not involve public funds and minimizes municipal financial responsibility and liability because at the time the Development was originally approved, it was represented by the developer of the Stanton Ridge Development that wastewater treatment would be provided privately; specifically, by the homeowners association; and

***WHEREAS***, Aqua New Jersey has represented that it has significant experience as the operator of a water and sewer utility which has been approved by the New Jersey Board of Public Utilities; and

***WHEREAS***, the Stanton Ridge Homeowners Association has represented that, after several years of operating the Facility, it has concluded that Aqua New Jersey is better equipped to manage the Facility than the Homeowners Association and, further, that Aqua New Jersey will provide wastewater treatment services to the Development more cost effectively and under N.J.B.P.U. regulations; and

***WHEREAS***, the Township Committee agrees that the transfer of the Facility to the proposed privately owned company will serve to promote the general health, safety and welfare of the community; and

***WHEREAS***, the transfer of the Facility does not include individual lot services which are owned by the individual lot owners and will continue to be their responsibility.

***NOW, THEREFORE BE IT ORDAINED*** by the Township Committee of the Township of Readington, as follows:

**SECTION 1. GRANT OF MUNICIPAL CONSENT ORDER**

Based upon on the representations made to it by the Stanton Ridge Homeowners Association and the representatives of Aqua New Jersey as set forth in the preamble of this Ordinance, the Township Committee consents to the transfer of ownership, maintenance and operation of the Facility to Aqua New Jersey, Inc. , a public utility corporation of the State of New Jersey (hereinafter "Grantee") by the Stanton Ridge Homeowners Association, on the following conditions precedent to the transfer to the Grantee:

a. The Grantee shall furnish evidence that 75% of the voting power of the Stanton Ridge Homeowners Association has signed a written instrument consenting to the transfer, which instrument shall be placed of record in the Hunterdon County Clerk's Office, upon the adoption of this Ordinance.

b. The Grantee shall provide the Township with an official Franchise Area map showing the area to be serviced, with metes and bounds description, which shall be filed with the Township, including a specified number of prints, a reproducible Mylar and an AutoCAD file. A reduced copy of the Franchise Area Map is attached hereto and made a part of this Ordinance and Agreement.

***Stanton Ridge Wastewater Treatment Facility – continued:***

- c. The Township wastewater management plan must be amended, if necessary.

**SECTION 2. RIGHTS OF GRANTEE**

a. Provided Grantee meets the conditions set forth in Section I above, and subject to Grantee's attainment of all necessary permits and approvals required by the New Jersey Department of Environmental Protection ("NJDEP") and the New Jersey Board of Public Utilities ("BPU"), Grantee shall have the right and authority, during the term of the Municipal Consent granted by this Ordinance, to operate, construct, maintain and manage a waste water collection and treatment system (the "Waste Water System") in order to service the lots within the Stanton Ridge Development, as more particularly described in the map and metes and bounds description attached as Schedule A (the "Franchise Area") and incorporated herein by reference. The official map of the Franchise Area is also on file with the Township Clerk.

b. In order to operate the Waste Water System, Grantee shall also have the right to purchase, erect or construct, equip and maintain such facilities as may be reasonably necessary to furnish the Waste Water System, and to make such excavations and openings in public streets as are reasonably necessary for the above purposes, in accordance with applicable municipal ordinances and State statutes, rules and regulations governing same.

c. The Municipal Consent granted in this Ordinance includes the right of Grantee to collect charges for services in accordance with tariffs as approved by the BPU from time to time.

d. The Municipal Consent granted by this Ordinance shall be for fifty years from the date of BPU approval, subject only to such limitations as are now or may hereafter be provided by law.

**SECTION 3. SERVICE**

Grantee shall at all times during the term of this Municipal Consent provide waste water collection and treatment and related services to all persons and organizations, without discrimination, and at the rates approved by the BPU, located within the Franchise Area. Grantee shall make every reasonable effort, under the rules and regulations of the NJDEP and BPU, to furnish ample and uninterrupted waste water management services to all customers throughout the Franchise Area.

**SECTION 4. CONSTRUCTION AND MAINTENANCE OF FACILITIES**

Subject to the provisions hereof, Grantee is permitted to construct, operate and manage the wastewater collection and treatment system including the laying of connecting pipes and mains beneath the streets, roads and other public places now or hereafter constructed within the Franchise Area, as it may deem necessary for its corporate purposes, free from all charge to be made by any person or body politic whatsoever for such privilege, provided that the mains (pipes) shall not unnecessarily obstruct or interfere with the public travel, and provided such private and public lands or facilities shall be restored to their preexisting condition or better. Notwithstanding anything to the contrary, however, there shall be no such construction in publicly dedicated or restricted open space, conservation or farmland property and Grantee shall consult with the Township Administrator/Clerk to review the Township's Open Space Inventory and applicable maps prior to construction to ensure that no such encroachment occurs.

Grantee in the construction, installation, maintenance and operation of the Waste Water System shall comply with all applicable federal, state and local statutes, rules, regulations and ordinances and shall obtain all necessary approvals, permits and licenses from all Federal, State and Local agencies having jurisdiction over the Waste Water System. Any road opening within a Township street that is required for maintenance of the Facility, shall require a prior application for a street opening permit in accordance with the terms and requirements of the Township's ordinances, rules and regulations.

Grantee shall indemnify and hold harmless the Township of Readington from and against any and all claims arising out of or in connection with the operation, maintenance or construction of the waste water collection system by the Grantee.

***Stanton Ridge Wastewater Treatment Facility – continued:***

**SECTION 5. ENFORCEMENT**

The Township of Readington reserves the right to enforce regulations concerning the construction of new facilities or the maintenance and operation of existing facilities whenever necessary to preserve the public health, safety and welfare of the municipality and its inhabitants.

**SECTION 6. RESTRICTIONS ON FRANCHISE AREA**

a. The waste water services provided by the Grantee in Readington Township shall be restricted to the Franchise Area.

b. No waste water service may be provided by the Grantee to any lands outside the Franchise Area.

c. There shall be no expansion of the current Franchise Area.

d. There shall be no construction beyond the Franchise Area.

**SECTION 7. LIMITATION OF THIS ORDINANCE**

No privilege or exemption is granted to or conferred upon Grantee by this Ordinance except those specifically described herein.

**SECTION 8. CONSIDERATION**

Consideration for the privileges and provisions granted in this Ordinance shall be the public service provided to the citizens of this municipality by the Grantee.

**SECTION 9. FORFEITURE**

The provisions and privileges of this Ordinance may be forfeited upon Grantee's failure or refusal to observe the terms and conditions set forth herein, or if Grantee is adjudged insolvent, bankrupt or ceases to business in New Jersey. Forfeiture may be exercised by written notice to Grantee of the failure to observe the terms and conditions hereof, followed by Grantee's refusal to eliminate or correct such failure or violations within sixty (60) days. In the event that Grantee becomes insolvent, the Facilities (including ownership, maintenance and operations) shall not revert to Readington Township, but, to a court-appointed receiver.

**SECTION 10. INVALIDITY/SEVERABILITY**

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 11. EFFECTIVE DATE**

This Ordinance shall not become operative or effective until it has been 1) agreed to by Aqua New Jersey, Inc., as evidenced by a written acceptance executed by the proper officials of said corporation, together with its proper corporate resolution, to accept and conform to all provisions of this Ordinance or any subsequent regulations which may be required by the Township of Readington regarding the management or control of its streets; 2) approved by the New Jersey Board of Public Utilities, which said acceptance follows this Ordinance and is made a part hereof; and 3) Upon final adoption of this Ordinance and its publication according to law.

**SECTION 12. AUTHORIZATION**

The Mayor and Clerk of the Township of Readington are hereby authorized to execute on behalf of the Township all documents required to acknowledge said consent.

***Stanton Ridge Wastewater Treatment Facility – continued:***

**ACCEPTANCE**

Aqua New Jersey, Inc., its successors and/or assigns, hereby accepts and agrees to be bound by the conditions contained in the foregoing Ordinance.

**IN WITNESS WHEREOF**, the Aqua New Jersey, Inc., has hereunto caused its corporate seal to be affixed to this Agreement signed by its President, attested to by its secretary, in accordance with the resolution of its Board of Directors, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

AQUA NEW JERSEY, INC.

\_\_\_\_\_

By: \_\_\_\_\_  
President

Sworn to and subscribed to before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public  
My Commission Expires

***A MOTION*** was made by Mr. Gatti to introduce this Ordinance, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

Public Hearing was scheduled for Monday, April 2, 2007 at 8:00 p.m.

***Contract Negotiations - Allies, Inc.***

Attorney Dragan said this agreement is party of the Township's COAH plan.

***A MOTION*** was made by Mrs. Muir to approve the Contribution Agreement with Allies, Inc. for eight (8) bedrooms (COAH units) in the amount of \$280,000 to be used as group homes for the developmentally disabled. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

***Litigation - Block 25, Lot 50 (Wilmark)***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Litigation - Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6, & 8;  
Block 39, Lot 24 and Block 67, Lot 2 (Solberg Aviation - Hromoho)***

Deputy Mayor Auriemma said that this matter will remain in Executive Session.

***Attorney-Client Privilege - Executive Session Minutes (March 5, 2007)***

***A MOTION*** was made by Mrs. Allen to approve the Executive Session Minutes from the meeting of March 5, 2007, as corrected, for content. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

**Contract Negotiations - Professional Services**

**Princeton Hydro**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-43**

**WHEREAS**, there exists a need in the Township of Readington for Professional Services;  
and

**WHEREAS**, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington as follows:

1. That the following contract has been awarded without competitive bidding as a Professional Service@ in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
  - X Princeton Hydro, LLC, for Stormwater Management Employee Training at a cost not to exceed \$7,850.00.
2. Said contract shall expire on December 31, 2007.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. This Resolution shall take effect immediately.

**A MOTION** was made by Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-44**

**WHEREAS**, there exists a need in the Township of Readington for Professional Services;  
and

**WHEREAS**, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington as follows:

1. That the following contract has been awarded without competitive bidding as a Professional Service@ in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:

***Princeton Hydro, LLC – continued:***

- X Princeton Hydro, LLC, to provide Solberg Airport Environmental Impact Analysis at a cost of \$6,240.00.
2. Said contract shall expire on December 31, 2007.
  3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
  4. This Resolution shall take effect immediately.

**A MOTION** was made by Mrs. Muir to adopt this Resolution, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

***City Connections, LLC***

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-45***

**WHEREAS**, there exists a need in the Township of Readington for Professional Services;  
and

**WHEREAS**, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington as follows:

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
  - City Connections, LLC for Municipal Website Services at the following rate:  
\$6,150.00 annual fee
2. Said contract shall expire on December 31, 2007.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.

**A MOTION** was made by Mrs. Muir to adopt this Resolution, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

***Conway Consulting, Ltd.***

The following Resolution was offered for consideration:

**Conway Consulting, Ltd. – continued:**

A **MOTION** was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

**Edwards & Kelcey, Inc.**

The following Resolution was offered for consideration:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING SERVICES  
#R-2007-47**

**WHEREAS**, the Township of Readington has a need to acquire Traffic Engineering and Transportation Planning Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

**WHEREAS**, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

**WHEREAS**, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

**WHEREAS**, Edwards and Kelcey, Inc. has submitted a proposal indicating they will provide Traffic Engineering and Transportation Planning Services for rates as detailed in the contract; and

**WHEREAS**, Edwards and Kelcey, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Edwards and Kelcey, Inc. has not made any

reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Edwards and Kelcey, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer=s Certification of the availability of funds is on file - *N.J.A.C. 5:30-5.4*).

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Edwards and Kelcey, Inc. as described herein; and

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

**BE IT FURTHER RESOLVED**, that said contract shall expire on December 31, 2007; and

**BE IT FURTHER RESOLVED**, that copies of this Professional Service Contract including the rate schedule are on file with the Municipal Clerk and are available there for public inspection; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Allen to adopt this Resolution, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

**Edwards & Kelcey, Inc. – continued:**

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

**Princeton Public Affairs Group**

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON  
RESOLUTION  
R-2007-48**

**WHEREAS**, there exists a need in the Township of Readington for Professional Services;  
and

**WHEREAS**, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington as follows:

1. That the following contract has been awarded without competitive bidding as a Professional Service@ in accordance with *N.J.S.A. 40A:11-5(1) (a)* of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
  - Princeton Public Affairs Group, Inc to provide representation regarding Governmental Relations Matters relating to the Township’s Legislative and Regulatory Matters for a rate of \$250 per hour, not to exceed \$5,000.
2. Said contract shall expire on December 31, 2007.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. This Resolution shall take effect immediately.

**A MOTION** was made by Mrs. Allen to adopt this Resolution, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

**CONSENT AGENDA:**

Attorney Dragan asked that #6 under New Business “**Readington Township Museums** - General Operating Support 2007 Grant” be removed from the consent agenda and considered in its normal sequence on the agenda.

1. **APPROVAL OF THE MINUTES** of meeting of March 5, 2007.
2. **DeMaio Electric** - Payment #4 for Three Bridges Pump Station project (\$6,370.00).
3. **Application for Raffles License** – Whitehouse Fire Co. #1, Inc.
4. **Application for Raffles License** – Hunterdon County Soil Conservation Education Foundation, Inc.

**CONSENT AGENDA – continued:**

5. **Monthly Collection Report** for February, 2007.
6. **Monthly Collection Report for Sewers** for February, 2007.
7. **Payment of the Bills.**

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND APPROPRIATION	001	\$ 303,542.93
SEWER APPROPRIATION	002	\$ 6,425.00
TRUST APPROPRIATION	003	\$ 15,208.80
CAPITAL APPROPRIATIONS	004	\$ 591,906.93
PAYROLL DEDUCTIONS	006	\$ 175,929.56
TOTAL OF ALL FUNDS:		\$ 1,093,045.29

8. **Municipal Court & Violations Bureau Report** for February, 2007.

A **MOTION** was made by Mrs. Muir to approve the items as listed on the consent agenda. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

**Public Hearings:**

As it was after 8:00 p.m., A **MOTION** was made by Mrs. Allen to adjourn the regular meeting to hold a Public Hearing. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Clerk read by Title:

**BOND ORDINANCE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY TO FUND A CONTRIBUTION BY THE TOWNSHIP TO ALLIES, INC. FOR THE IMPROVEMENT AND REHABILITATION OF FOUR (4) COAH HOUSING UNITS (EIGHT [8] BEDROOMS) IN THE HUNTER'S CROSSING DEVELOPMENT APPROPRIATING \$290,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

**Ordinance #07-2007**

Deputy Mayor Auriemma said this ordinance provides funding for a contribution to Allies, Inc. for four (4) COAH units, eight (8) bedrooms in Hunter's Crossing which will be used as group homes.

Deputy Mayor Auriemma asked if there were any comments from the Governing Body.

Mr. Gatti said this is part of the Township's COAH obligation.

Mrs. Allen said the Township Planner has advised that the Township move forward with this project.

Deputy Mayor Auriemma asked if there were any comments from the public. There were none.

A **MOTION** was made by Mrs. Muir to close the Public Hearing. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

**Ordinance #07-2007 – continued:**

Clerk read by Title:

***BOND ORDINANCE OF THE TOWNSHIP OF READINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY TO FUND A CONTRIBUTION BY THE TOWNSHIP TO ALLIES, INC. FOR THE IMPROVEMENT AND REHABILITATION OF FOUR (4) COAH HOUSING UNITS (EIGHT [8] BEDROOMS) IN THE HUNTER'S CROSSING DEVELOPMENT APPROPRIATING \$290,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF***

**Ordinance #07-2007**

A ***MOTION*** was made by Mr. Gatti to adopt this Ordinance, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

**Ordinance #08-2007**

A ***MOTION*** was made by Mrs. Muir to adjourn the regular meeting to hold a Public Hearing. This motion was seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF A CONSERVATION EASEMENT ON A PORTION OF BLOCK 64, LOTS 19 AND 19.01 IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY***

**Ordinance #08-2007**

Attorney Dragan asked that this Public Hearing be carried until the next meeting because there are changes to the description in the deed.

A ***MOTION*** was made by Mrs. Muir to carry the Public Hearing until the April 18<sup>th</sup> Committee meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

**CORRESPONDENCE/OTHER INFORMATION:**

1. Memorandum dated March 14, 2007 from the Environmental Commission regarding ***improving the distribution of the Township newsletter using electronic means.***
2. Memorandum dated February 28, 2007 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders, regarding ***adoption of a Resolution declaring March, 2007 "Women's History Month."***

Mrs. Allen suggested that the Committee adopt a similar resolution.

The following Resolution was offered for consideration:

**TOWNSHIP OF READINGTON**

**RESOLUTION**

**#R-2007-49**

***WHEREAS***, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our County in countless recorded and unrecorded ways; and

***Women’s History Month – continued:***

***WHEREAS***, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the County by constituting a significant portion of the labor force working inside and outside of the home; and

***WHEREAS***, New Jersey women have played a unique role throughout the history of the County by providing the majority of the volunteer labor force of the County and State of New Jersey; and

***WHEREAS***, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

***WHEREAS***, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

***WHEREAS***, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

***WHEREAS***, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

***WHEREAS***, the goal of the New Jersey Department of Community Affairs, specifically the Division on Women, is to remember and celebrate New Jersey women and to:

- Ensure that New Jersey women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion;
- Identify, implement, measure and coordinate programs that address the needs of New Jersey women;
- Engage in continuous study and research on issues affecting New Jersey women and their families, develop policy papers and legislative recommendations.

***NOW, THEREFORE, BE IT RESOLVED***, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that March 2007 is hereby designated as “Women’s History Month Generation of Women Moving History Forward.”

***A MOTION*** was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

3. Memorandum dated February 28, 2007 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders, regarding ***adoption of a Resolution declaring April, 2007 “National Autism Awareness Month.”***

Mrs. Allen suggested that the Committee adopt a similar resolution.

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON***

***RESOLUTION***

***#R-2007-50***

***WHEREAS***, Autism is a Pervasive Developmental Disorder that manifests itself in the first three years of life, and affects the social, learning, and behavioral skills of those affected by it; and

***National Autism Awareness Month – continued:***

***WHEREAS***, Autism is currently estimated to affect 1 in every 94 people in New Jersey, and over one and a half million people in the United States of America have some form of an Autism Spectrum Disorder, including High Functioning Autism, Autism, Asperger's Syndrome and Pervasive Developmental Disorder; and

***WHEREAS***, Autism is said to affect boys four times more than girls and knows no racial, ethnic or social boundaries, and neither income, lifestyle, nor education affects the occurrence; and

***WHEREAS***, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, as well as environmental assaults and neurotoxins. Outdated theories and myths have been proven false, such as autism being a mental illness, or any fault of the mother; and

***WHEREAS***, accurate, early diagnosis and the resulting appropriate education and interventions are vital to the growth and development of the individual; and

***WHEREAS***, the diagnosis of autism is not reserved for the individual affected by it but that the entire family has to recover, and the stresses of rearing children with autism attribute to a divorce rate of nearly 85% in this community; and

***WHEREAS***, New Jersey offers a wide range of services and supports to *this* population through various organizations including the Autism Family Services of New Jersey, New Jersey Center for Outreach Services for the Autism Community (CO SAC), Unlocking Autism, Parents of Autistic Children (POAC), the NJ Governors Council on Autism, IMPACT, Parents for Autism Autoimmune and Vaccine Education (PM VE), Vaccine Liberation - NJ Chapter, PACT, New Jersey Family Support Council, The Autism Center at the University of Medicine and Dentistry of New Jersey, Autism Speaks and CAN, the Organization for Autism Research, FACES, A-CHAMP, ARC of NJ, ASPEN, Autism Society of America, National Autism Association, Autism-In-Hunterdon, and SPAN.

***NOW, THEREFORE, BE IT RESOLVED***, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey does hereby recognize April 2007 as National Autism Awareness Month, in the County of Hunterdon, State of New Jersey; and

***BE IT FURTHER RESOLVED***, that a copy of this resolution be forwarded to all New Jersey Governor Jon Corzine, all Boards of Chosen Freeholders in the State of New Jersey, all Hunterdon County Legislators and municipalities in the County of Hunterdon.

***A MOTION*** was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

4. Memorandum dated February 28, 2007 from Denise B. Doolan, Clerk, Hunterdon County Board of Chosen Freeholders, regarding ***adoption of a Resolution declaring April 11, 2007 as "Community Transportation Services Day" and the week of April 22 to April, 28, 2007 as "Community Transportation Services Week."***
5. Resolution from the Township of Bethlehem ***expressing opposition to Assembly Bill A-3899 which would require minutes to be available within thirty (30) days of a meeting.***

Administrator Mekovetz asked that the Committee consider adopting a similar Resolution.

Mrs. Allen suggested that the Committee adopt a similar resolution.

The following Resolution was offered for consideration:

***RESOLUTION OPPOSING ASSEMBLY BILL A-3899  
REQUIRES MINUTES TO BE AVAILABLE WITHIN 30 DAYS OF MEETING  
R-2007-51***

***WHEREAS***, Assembly Bill No. 3899 ("*A-3899*") would amend the Open Public Meetings Act, *N.J.S.A.* 10:4-14, to require that minutes of all public meetings be available within 30 days of

***Resolution expressing opposition to Assembly Bill A-3899 – continued:***

the date of the meeting, and would further require that a court award of attorney's fees and costs to any person who brings an action to compel compliance with this new provision; and

***WHEREAS***, official minutes of public meetings are not made available to the public unless and until they are approved by the public body; and

***WHEREAS***, typically, approval of minutes is scheduled for the regular meeting next following the meeting for which minutes are listed for approval; and

***WHEREAS***, if a public body meets monthly, then approval of minutes for a meeting is typically scheduled for the meeting in the following month, and the next meeting date mayor may not be within 30 days; and

***WHEREAS***, under A-3899, a public body that meets on a, monthly basis would be required to schedule additional meetings solely for the purpose of complying with this new statute, whether or not a . meeting would be otherwise warranted; and

***WHEREAS***, public bodies that meet less frequently would be required to move to a schedule which guarantees meetings at least once every 30 days, whether or not there is any business which would warrant a meeting; and

***WHEREAS***, often meetings need to be re-scheduled to ensure a quorum or to meet an applicant's or board member's needs, and, under A-3899, meetings would be required to move forward no matter what; and

***WHEREAS***, many public bodies consist entirely of volunteers, with volunteers being responsible for the preparation of minutes, and it is not always practical for minutes to be prepared, much less approved, without this arbitrary 30 day time line; and

***WHEREAS***, to expose public bodies to costs and attorney's fees under these circumstances is unfair; and

***WHEREAS***, compliance with this new arbitrary deadline would impose additional unwarranted costs for municipalities, including advertising costs, professional costs (for attending additional meetings), and costs for retaining recording secretaries (in order to help meet the requirements of the legislation).

***NOW THEREFORE, BE IT RESOLVED***, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, opposes Assembly Bill A-3899 and urges the Legislature to oppose the Bill for the reasons expressed herein; and

***BE IT FURTHER RESOLVED***, that a copy of this Resolution be sent to the sponsors of Assembly Bill A-3899, the members of the Assembly Housing, the legislators for Hunterdon County, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey, Inc. and all Hunterdon County municipalities.

***A MOTION*** was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

6. Memorandum dated March 13, 2007 from Sharon L. Brienza, Municipal Clerk, Twp. of Branchburg, regarding ***adoption of Ordinance #2007-1057 Amending the Land Development Ordinance of the Twp. of Branchburg by modifying certain bulk and other standards for the "LDRC Low Density Residential Cluster Affordable Housing Contribution District."***
7. Resolution from the Township of Franklin regarding ***adoption of a resolution in opposition to A-3857 – which would eliminate Regional Contribution Agreements as a tool to facilitate municipal compliance with Mount Laurel.***
8. Resolution from the Borough of Glen Gardner ***expressing opposition to Assembly Bill A-3899 which would require minutes to be available within thirty (30) days of a meeting.***

**CORRESPONDENCE/OTHER INFORMATION – continued:**

9. Memorandum dated March 12, 2007 from Dorothy Gooditis, Municipal Clerk, Township of Raritan, regarding adoption of the following:

- ***Resolution opposing A-3857 – which would eliminate Regional Contribution Agreements as a tool to facilitate municipal compliance with Mount Laurel.***
- ***Resolution endorsing the Mayors' Climate Protection Agreement.***

Mrs. Allen suggested that the Committee adopt a similar resolution.

The following Resolution was offered for consideration:

***TOWNSHIP OF READINGTON  
RESOLUTION***

***WHEREAS***, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global waning pollution; and

***WHEREAS***, the Inter-Governmental Panel on Climate Change (IPCC), the International community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global waning pollution; and

***WHEREAS***, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20<sup>th</sup> Century; a forty percent (40%) decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

***WHEREAS***, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches; inundate land; and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

***WHEREAS***, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

***WHEREAS***, the United States of America, with less than five percent (5%) of the world's population, is responsible for producing approximately twenty-five percent (25%) of the world's global waning pollutants; and

***WHEREAS***, the Kyoto Protocol emissions reduction target for the U.S. would have been seven percent (7%) below 1990 levels by 2012; and

***WHEREAS***, many leading U.S. companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the U.S. to adopt precise and mandatory emissions, targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

***WHEREAS***, state and local governments throughout the U.S. are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democrat governors and mayors alike; and

***WHEREAS***, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices and economic development and job creation through energy conservation and new energy technologies; and

***Resolution endorsing the Mayors' Climate Protection Agreement – continued:***

***WHEREAS***, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which was amended at the 73<sup>rd</sup> Annual U.S. Conference of Mayors meeting, a copy of which is attached.

***NOW, THEREFORE, BE IT RESOLVED***, that the Township of Readington endorses the U.S. Mayors Climate Protection Agreement as amended by the 73<sup>rd</sup> Annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort; and

***BE IT FURTHER RESOLVED***, that the Township of Readington will work in conjunction with the ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73<sup>rd</sup> Annual U.S. Conference of Mayors meeting; and

***BE IT FURTHER RESOLVED***, that copies of this resolution shall be forwarded to the Hunterdon County Freeholders, all Hunterdon County Municipalities and all State and Federal Representatives for the State of New Jersey.

**The U.S. Mayors Climate Protection Agreement**

- 1) We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- 2) We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- 3) We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
  1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
  2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
  3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
  4. Increase the use of clean, alternative energy by, for example, investing in Agreen tags, @ advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
  5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
  6. Purchase only Energy Star equipment and appliances for City use;
  7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
  8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
  9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
  10. Increase recycling rates in City operations and in the community;
  11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO<sub>2</sub>; and
  12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

***Resolution endorsing the Mayors' Climate Protection Agreement – continued:***

*A MOTION* was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

10. Resolution from the Township of Tewksbury regarding *adoption of a resolution in opposition to A-3857 – which would eliminate Regional Contribution Agreements as a tool to facilitate municipal compliance with Mount Laurel.*

**OLD BUSINESS:**

1. ***Solberg Airport*** - update by Mayor Shamey.  
  
Deputy Mayor Auriemma said he had nothing to report.
2. ***Block 55, Lot 7.01 (Rolling Meadows, LLC)*** – acceptance of Performance Bond.  
  
Action on this matter was deferred until the next meeting.
3. ***Omnipoint Communications, Inc./Block 20, Lot 6*** – reduction of Performance Bond.  
  
Action on this matter was deferred until the next meeting.

**NEW BUSINESS:**

1. ***Amendment to Dog Licensing Fee Ordinance*** – consideration.

The following Ordinance was offered for introduction:

***AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ~~A~~AN ORDINANCE FOR THE REGISTRATION, LICENSING AND REGULATIONS OF DOGS IN THE TOWNSHIP OF READINGTON, THE COUNTY OF HUNTERDON, AFFIXING THE VIOLATION THEREOF, AND REPEALING A PRIOR ORDINANCE RELATIVE THERETO@***

**Ordinance #10-2007**

***BE IT ORDAINED*** by the Mayor and Township Committee of the Township of Readington, in the County of Hunterdon, State of New Jersey as follows:

**SECTION 1.** Section ' 6 contained in *“an Ordinance for the Registration, Licensing and Regulations of Dogs in the Township of Readington, the County of Hunterdon, Affixing the Violation Thereof, and Repealing a Prior Ordinance Relative Thereto”* is revised as follows [additions are indicated **thus**, deletions are indicated ~~**thus**~~]:

Pursuant to R.D. 4:19-15.12 (1954), the owner of any dog of licensing age shall pay an annual license fee of ~~\$7.00~~ **\$10.00 (if spayed/neutered); \$13.00 (if not spayed/neutered)** for each dog. **These fees include the \$1.00 registration fee and the .204 pilot clinic fee.** All licenses and registrations shall expire on January 31<sup>st</sup> of each year succeeding the calendar year for which licensed.

**SECTION 2.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 3.** This ordinance supersedes and repeals any portion of any previous ordinance inconsistent herewith.

**SECTION 4.** This ordinance shall take effect immediately upon final passage and publication in accordance with law.

***Amendment to Dog Licensing Fee Ordinance – continued:***

A **MOTION** was made by Mrs. Allen to introduce this Ordinance, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

Public Hearing was scheduled for Monday, April 2, 2007 at 8:00 p.m.

2. ***Amendment to Stormwater Ordinance.***

The following Ordinance was offered for introduction:

***AN ORDINANCE AMENDING ORDINANCE #15-2002, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY, NEW JERSEY, OF DECEMBER 1992 AS HERETOFORE SUPPLEMENTED AND AMENDED***

**Ordinance #11- 2007**

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Readington, in the County of Hunterdon, State of New Jersey, that Readington Township Ordinance #15-2002 be amended as follows, [additions are indicated **thus**, deletions are indicated ~~thus~~]:

**Section 1**

Section 148-9 entitled “Definitions” of Article II entitled “Definition of Terms” of Chapter 148 entitled “Land Development” of Township of Readington Land Use Code, as heretofore supplemented and amended, is hereby supplemented and amended to add definitions pertaining to stormwater management:

**§ 148-9 Definitions**

**COMPACTION - means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction may decrease soil infiltration and permeability rates.**

**DISTRUBANCE - any activity including the clearing, excavating, storing, grading, filling or transportation of soil or any other activity that causes soil to be exposed to the danger of erosion.**

**DRAINAGE AREA - A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.**

**GROUNDWATER - A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.**

**INFILTRATION - The process by which water from precipitation seeps into the soil to a level below the normal root soil of plant species.**

**MAINTENANCE PLAN - A document required for all major development projects for stormwater management maintenance. The document shall contain specific preventive 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 preventive and corrective maintenance (including replacement).**

**MAJOR DEVELOPMENT - Any “development” that will ultimately result in the disturbance of greater than one (1) acre of land or creates an additional one-quarter (0.25) acre of impervious surface.**

**MAXIMUM EXTENT PRACTICABLE - means compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including but not limited to, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-**

specific environmental conditions, cost and technical or engineering feasibility.

*Amendment to Stormwater Ordinance – continued:*

MITIGATION – An action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in NJAC 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of this ordinance, includes both the mitigation plan detailing how the project’s failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same HUC-14 within which the subject project is proposed (if possible and practical), or a contribution of funding toward a regional stormwater control project, or provision for equivalent treatment at an alternate location, or other equivalent water quality benefit.

NONSTRUCTURAL STORMWATER BEST MANAGEMENT PRACTICES, STRATEGIES OR TECHNIQUES - The management of stormwater runoff in the absence of a stormwater structure (e.g., basin and piped conveyance). This includes but is not limited to minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, increasing time of concentration and maintaining and enhancing natural drainage features and characteristics.

NUTRIENT - A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of plants, algae and other organisms or vegetation.

NUTRIENT LOAD - The total amount of a nutrient such as nitrogen or phosphorus entering the water during a given time, such as "tons of nitrogen per year", or "pounds of phosphorus per day." Nutrients may enter the water from runoff, ground water recharge, point source discharges, or the air (in the form of wet deposition such as rain or snow as well as dry deposition).

PERMEABLE - A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

PERVIOUS PAVEMENT - Material used for paved areas that produces less stormwater runoff than conventional paving. This reduction is achieved primarily through the infiltration of a greater portion of the rain falling on the area than would occur with conventional paving. This increased infiltration occurs either through the paving material itself or through void spaces between individual paving blocks known as pavers. Types of pervious pavement include porous asphalt or concrete paving constructed over runoff storage bed of uniformly graded broken stone; permeable pavers with storage bed; impervious concrete pavers with surface voids constructed over runoff storage bed of uniformly graded broken stone; permeable pavers without storage bed; and impervious concrete pavers with surface voids constructed over structural bed of sand and crushed stone.

PERVIOUS SURFACE –paving materials including pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and compacted gravel.

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. “Pollutant” includes both hazardous and nonhazardous pollutants.

POLLUTANT LOADING ANALYSIS - an analysis the total amount of material (e.g. sediment, nutrients, oxygen-demanding material) brought into the lake by inflowing streams, runoff, direct discharge through pipes, groundwater, the air, and other sources over a specific period of time, often annually.

**POLLUTANT REMOVAL EFFICIENCY - characteristic of a BMP that is primarily governed by three interrelated factors: 1) the removal mechanisms used, 2) the fraction of the annual runoff volume that is effectively treated, and 3) the nature of the urban pollutant being removed.**

**RECHARGE - ~~the replenishment of underground water reserves.~~ The amount of water from precipitation that infiltrates into the ground, and becomes part of a ground water body.**

*Amendment to Stormwater Ordinance – continued:*

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

3. **SOIL - All unconsolidated mineral and organic material of any origin.**

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

5. **STORMWATER BEST MANAGEMENT PRACTICE FEATURE OR STRUCTURE - A stormwater management measure that involves control of stormwater runoff, encompassing any technique, structure, excavation, embankment and related areas designed to detain or retain stormwater runoff including all practices and measures contained in the New Jersey Stormwater Management Manual. A stormwater management feature may either be normally dry (that is, a detention basin, vegetated swale, dry wells or infiltration basin), retain water in a permanent pool (a retention basin), basins planted mainly with wetland vegetation (a constructed stormwater wetland), structures designs to temporarily store parking lot and rooftop runoff, or any combination thereof.**

6. **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 ground water recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.**

**STORMWATER RUNOFF ~~flow on the surface of the ground, resulting from precipitation.~~**

**THREATENED AND ENDANGERED SPECIES - Endangered Species are those whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened Species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the New Jersey Department of Environmental Protection's (NJDEP) Landscape Project as approved by the NJDEP's Endangered and Nongame Species Program, or by the NJDEP pursuant to the Highlands Act at NJSA 13:20-32k, and 13:20-34a(4).**

**WATER GARDENS (Rain Gardens) - a combination of grasses, shrubs, and trees that serve as ground cover, a middle story, and a canopy in simulation of an adapted local forest ecosystem.**

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

**Section 3**

Section 148-65.1 entitled "Drainage of Streets" of Article VII entitled "Subdivision and Site Plan Design Standards" of Chapter 148 entitled "Land Development" of **Township of Readington Land Use Code**, as heretofore supplemented and amended, is hereby supplemented and amended to change requirements pertaining to stormwater management:

§ 148-65.1. Drainage of streets. [Amended 6-17-2002 by Ord. No. 15-2002; 10-7-2002 by Ord. No. 40-2002]

All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper drainage. ~~The requirements of this Section shall not be satisfied with the construction of dry wells except where there is not an adequate watercourse or drainage system within a reasonable distance of the subject property and where individual lot grade plans are provided.~~

### Section 3

Section 148-65.2 entitled “Technical Standards” of Article VII entitled “Subdivision and Site Plan Design Standards” of Chapter 148 entitled “Land Development” of Township of Readington Land Use Code, as heretofore supplemented and amended, is hereby supplemented and amended to change requirements pertaining to stormwater management:

#### *Amendment to Stormwater Ordinance – continued:*

§ 148-65.2. Technical standards. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]

#### ~~A. No Net Increase Provisions~~

- ~~(1) No net increase in non point source pollution – Stormwater control systems shall be designed so that there is no degradation of water quality in the receiving watercourse, due to nonpoint source pollution associated with stormwater runoff. NJDEP’s Surface Water Quality Standards, N.J.A.C. 7:9B, and NJDEP’s Watershed Management Regulations, N.J.A.C. 7:9B, shall be used as guidelines for this determination.~~
- ~~(2) No net increase in sediment loadings – Stormwater control systems shall be designed to reduce pollutant loading (according to the requirements of table 3-1) generated by the development for storm events up to the water quality design storm and to retain, as closely as possible, the pre-development hydrologic response of the site, and the watershed.~~
- ~~(3) No net increase in stormwater runoff rates and stream channel erosion – Stormwater control systems shall be designed so that, the post-development stormwater runoff rates, from the site, and at any point in the watershed between the site and the receiving body of water, shall be reduced according to N.J.A.C. 7:13. Therefore, The post-development peak runoff rate for the two year storm event shall be 50 percent of the pre-development peak runoff rate and the post-development peak runoff rate for the 10 and 100 year storm events shall be 75 percent and 80 percent of the pre-development peak runoff rates, respectively.~~
- ~~(4) No net increase in stormwater runoff volumes B The goal of stormwater control systems shall be to infiltrate all stormwater runoff into the ground for the 1.25 inch, 2 hour 24 hour storm, using the Type III rainfall distribution recommended for New Jersey by the US Soil Conservation Service. In addition, as a goal, the runoff generated from the first 1.25 inches of stormwater runoff from rainfall from all larger storms shall also be infiltrated into the ground.~~

#### A. Non-Structural Best Management Practices

- (1) To the maximum extent practicable, the standards set forth in N.J.A.C. 7:8-5.4 and 5.5 shall be met by incorporating nonstructural stormwater best management practices (BMPs) and strategies into a site plan stormwater management design. All applications submitted for review shall identify the nonstructural strategies incorporated into the design of the project, including completion of the New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS). If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management strategies identified in (b) below into the design of a particular project, the applicant shall provide a basis for the contention.
- (2) Nonstructural stormwater management strategies incorporated into site design shall:
  - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

- (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- (c) Maximize the protection of natural drainage features and vegetation;
- (d) Minimize the decrease in the “time of concentration” from pre-construction to post-construction. “Time of Concentration” is defined as the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed;
- (e) Minimize land disturbance including clearing and grading;
- (f) Minimize soil compaction;
- (g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- (h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and

*Amendment to Stormwater Ordinance – continued:*

- (i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
  - [1] Site design features that help to prevent accumulation of trash and debris in drainage systems;
  - [2] Site design features that help to prevent discharge of trash and debris from drainage systems;
  - [3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
  - [4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (3) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual available from the NJDEP through the address listed at N.J.A.C. 7:8-1.3.
- (4) All applicants are required to prepare and submit as part of the project’s stormwater management report, a New Jersey Nonstructural Stormwater Management Strategies Point System (NSMPS), including the NJSMPSP spreadsheet showing such strategies have been used to the “maximum extent practicable” as part of all major development applications.

~~B. Procedures for Measuring Compliance with the No Net Increase Provisions of the Ordinance~~

- ~~(1) Hydrologic/hydraulic analyses; suitability of soil for infiltration.~~
  - ~~(a) Hydrologic/hydraulic analyses shall be prepared and submitted demonstrating that the post-development stormwater runoff rates do not exceed the standards set forth in this ordinance for the water quality storm and the 2, 10, and 100 year storms. The water quality storm shall be the NJDEP defined 1.25" of rain, uniformly distributed over a 2-hour period.~~
  - ~~(b) The hydrologic and hydraulic analyses shall follow generally accepted methodologies for evaluating stormwater runoff rates and volumes, including the methodologies specified in NJDEP’s Stream Encroachment Manual, the USDA/SCS’s TR-55 and TR-20 methodologies, and the US Army Corps of Engineers HEC-1 model.~~

~~(e) For infiltration facilities proposed to meet the no net increase provisions of this ordinance, the results of soil tests demonstrating the suitability of the area's soils for infiltration of runoff shall also be provided.~~

~~(2) A nonpoint source pollutant loading analysis shall be prepared and submitted, demonstrating that the post-development nonpoint source pollutant and sediment loadings do not exceed the standards set forth in this ordinance, as a result of the proposed land development project. In preparing the required analysis it shall be acceptable to utilize the average removal efficiency statistics provided in the Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual, dated December 1994 and May 2000, and any subsequent revisions thereto, prepared by the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture.~~

## B. Structural Best Management Practices

(1) Nonpoint source pollution control. Stormwater control systems shall be designed to prevent degradation of water quality in the receiving watercourse due to nonpoint source pollution associated with stormwater runoff. NJDEP's Surface Water Quality Standards, N.J.A.C. 7:9B, and NJDEP's Stormwater Management Regulation, N.J.A.C. 7:8, shall be used as guidelines for this determination.

(2) Stormwater control systems shall be designed to reduce pollutant loading (according to the requirements of Table 3-1) generated by the development for storm events up to the water quality design storm and to retain, as closely as possible, the predevelopment hydrologic response of the site, and the watershed.

### *Amendment to Stormwater Ordinance – continued:*

(3) Stormwater control systems shall be designed so that the post-development stormwater runoff rates, from the site, and at any point in the watershed between the site and the receiving body of water, shall be reduced according to N.J.A.C. 7:8. Therefore, the post-development peak runoff rate for the two-year storm event shall be 50% of the predevelopment peak runoff rate, the post-development peak runoff rate for the ten-year storm event shall be 75% of the predevelopment peak runoff rate, and the one-hundred-year storm events shall be 80% of the predevelopment peak runoff rates, respectively.

(4) In accordance with the requirements and performance standards set forth in NJAC 7:8-5.4(a)2, there shall be no loss in recharge following site development. Specifically the applicant must:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent 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 pre-construction to post-construction for the two-year storm is infiltrated.

## C. Mitigation Measures

~~(1) If the natural or existing physical characteristics of the project site preclude achievement of any of the above no net provisions, the municipality may grant a variance from strict compliance with the specific no net increase provisions that are precluded, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Township professionals that the immediately downstream waterways will not be subject to:~~

~~(a) Deterioration of existing culverts, bridges, dams and other structures;~~

~~(b) Deterioration of their biological functions, as well as for drainage and other purposes;~~

~~(c) Streambank or streambed erosion or siltation;~~

~~(d) Increased threat of flood damage to public health, life and property.~~

~~(2) Furthermore, where partial compliance with a specific no net increase provision is possible, the Township professionals will direct the applicant to~~

~~satisfy a reduced performance criterion. Mitigation measures will be required to compensate for the unfulfilled component of the no net increase provision.~~

~~(3) In all cases, however, those no net provisions that are not precluded by the site's physical characteristics, shall be met. Mitigation measures may include, but are not limited to, the following. If one or more of the no net increase provisions of this ordinance cannot be met on site then the applicant shall meet those no net provisions of this ordinance, precluded by the site's physical characteristics, by employing one or more of the following mitigation measures, in this order of preference:~~

~~(a) The purchase, or donation of, privately owned lands within the Readington Township Stream Corridor Preservation Area, that are not currently protected by NJDEP's Freshwater Wetlands Protection Act Rules or NJDEP's Flood Hazard Area Control Regulations, said lands to be dedicated for preservation and/or reforestations.~~

~~(b) Mitigation on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance.~~

~~(c) Cash contributions to fund stormwater management related studies within Readington Township, including wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, and threatened and endangered species studies.~~

*Amendment to Stormwater Ordinance – continued:*

C. Procedures for measuring compliance with the Post-Development Control provisions of this chapter.

(1) Hydrologic/hydraulic analyses; suitability of soil for infiltration.

(a) Hydrologic/hydraulic analyses shall be prepared and submitted demonstrating that the post-development stormwater runoff rates do not exceed the standards set forth in this chapter for the water quality storm and the two-, ten-, and one-hundred-year storms. The water quality storm shall be the NJDEP defined 1.25 inches of rain, uniformly distributed over a two-hour period.

(b) The hydrologic and hydraulic analyses shall follow generally accepted methodologies for evaluating stormwater runoff rates and volumes, including the methodologies specified in NJDEP's Stream Encroachment Manual, the USDA/SCS's TR-55 and TR-20 methodologies, and the US Army Corps of Engineers HEC-1 model.

(c) For infiltration facilities proposed to meet the recharge provisions of this chapter, the results of soil tests demonstrating the suitability of the area's soils for infiltration of runoff shall also be provided. Computation shall be conducted in accordance with NJCA 7:8, the New Jersey Stormwater Best Management Practices Manual and GSR-32 Recharge Methodology.

D. Mitigation policy and acceptable measures for failure to comply in full or in part with required stormwater management provisions.

(1) If the natural or existing physical characteristics of the project site preclude achievement of any of the above provisions, the Planning Board or Zoning Board of Adjustment may grant a waiver from strict compliance with the specific provisions that are precluded, provided that an acceptable mitigation plan and mitigation measures are provided. For purposes of this Section, "mitigation" shall include situations where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in NJAC 7:8 in addition to the requirements set forth in this Ordinance.

The waiver cannot be granted due to conditions created by the applicant. If the applicant can comply with the requirements of the Ordinance and Stormwater Management Plan through reduction of the size of the project, the hardship is self-imposed and thus the Board lacks jurisdiction to grant any waiver under this Section. In all cases, those stormwater design provisions that are not precluded by the site's physical characteristics or limitations shall be met.

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. The applicant must propose a suitable mitigation method through submission of a mitigation plan which will conform as closely as possible to the design and performance standards of this Ordinance, through structural or non-structural stormwater management measures, governing stormwater quality, quantity, and groundwater recharge. The mitigation plan shall include sufficient data and analyses, including an alternatives analysis, which demonstrate how on-site compliance is to be maximized.

- (2) The waiver may be granted when an applicant has properly demonstrated the inability or impracticality of strict compliance with the Ordinance granted the following conditions are satisfied.
  - (a) An inability to apply any of the Best Management Practices and methodologies as defined and approved herein, due to an extraordinary and exceptional situation uniquely affecting the subject property or the structures thereon, resulting in a peculiar and exceptional practical difficulty or undue hardship; or
  - (b) That the purposes of this Ordinance can be advanced by a deviation from the Non-Structural and Structural Best Management Practices and methodologies as defined and approved herein, where the benefits of such deviation substantially outweigh any detriment.

*Amendment to Stormwater Ordinance – continued:*

- (3) Furthermore, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the Township professionals that the immediately downstream waterways will not be subject to:
  - (a) Deterioration of existing culverts, bridges, dams and other structures;
  - (b) Deterioration of their biological functions, as well as for drainage and other purposes;
  - (c) Stream bank or streambed erosion or siltation; or
  - (d) Increased threat of flood damage to public health, life and property.
- (4) If one or more of the Stormwater Management provisions of this chapter cannot be met on-site then the applicant shall meet the provisions of this Ordinance by employing one or more of the following mitigation measures, in this order of preference:
  - (a) The purchase or donation of privately owned lands within the Readington Township Stream Corridor Preservation Area that are not currently protected by NJDEP's Freshwater Wetlands Protection Act Rules or NJDEP's Flood Hazard Area Control Regulations, said lands to be dedicated for preservation and/or reforestations.
  - (b) Mitigation on previously developed properties, public or private, that currently lacks stormwater management facilities designed and constructed in accordance with the purposes and standards of this chapter.
  - (c) Cash contributions to fund stormwater management related studies within Readington Township, including wetland delineation studies, stream-

monitoring studies for water quality and macroinvertebrates, stream flow monitoring, and threatened and endangered species studies.

(d) Other stormwater enhancement, Stormwater Management Resource Protection / Restoration Mitigation options deemed acceptable by the Township Professionals.

(5) The funding option shall be allowed only in situations where there will be no immediate impact upon a sensitive receptor. Contribution to a regional, municipal or offsite mitigation plan shall be allowed for any application for one individual single-family residence. When approved, receipt of the financial contribution shall be deemed to satisfy the mitigation requirement for that application.

(6) 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 this section showing the inability or impracticality of strict compliance with the Ordinance 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 for applications which have received waivers from the New Jersey Department of Environmental Protection.

~~D.E.~~ Detention/retention basins for stream flooding and erosion control. The standards for detention/retention basins shall be conducted in accordance with NJAC 7:8, as follows:

(1) Detention and /or retention basins shall be designed to capture and retain all stormwater runoff from the site's impervious surfaces during the water quality storms, and from all smaller storms. The runoff shall then be slowly released in accordance with the requirements presented in Section 3.7.1. ~~For detention basins with the use of other BMP's such as drywells, infiltration systems, grassed swales, etc., used in concert with detention and retention basins. For detention basins, in order to meet minimum water quality standards set forth by the Township they will need to be used in concert with other stormwater BMPs, such as drywells, infiltration systems, grassed swales, manufactured treatment devices, etc., in order to achieve a minimum of 90% TSS removal.~~

*Amendment to Stormwater Ordinance – continued:*

~~E.F.~~ Water quality control and infiltration measures.

(2) In order to meet the provisions of this chapter with regard to stormwater runoff volumes, sediment loadings and other nonpoint source loadings, stormwater management facilities shall provide for the control of a water quality design storm, in accordance with the following basic principles:

(a) ~~Infiltration facilities shall be designed to achieve the recharge of at least 60% (tabulated on an annual basis) of direct rainfall. Infiltration facilities shall be designed to maintain the recharge volumes that existed under pre-developed conditions as computed in accordance with the New Jersey Stormwater Management Manual.~~ This will be achieved by the implementation of measures that at a minimum retain and infiltrate the runoff generated by the 1.25", two-hour storm (NJDEP water quality event) or the differences in runoff volume generated by the 2-year storm under the site's pre-and post development condition. Multiple infiltration facilities may be used to cumulatively satisfy the infiltration requirement.

(e) Due to the difficulties associated with their design and maintenance, detention/retention basins are not suitable as infiltration facilities. Therefore, retention volumes associated with basins may not be used to comply with the ~~no net increase~~ provisions of this chapter as it regards runoff volume. However,

retention basins (or “wet basins”) may be used to satisfy the water quality requirements of this chapter.

- (f) The incorporation of ~~porous pervious~~ pavement systems, including pervious asphalt pavement and modular paving block systems, are encouraged as a means of lowering the effective runoff curve number for a developed site. ~~By increasing the perviousness of the developed site, benefits will be achieved in the form of reduced infiltration and peak runoff control requirements. By increasing the perviousness of the developed site, benefits will be achieved in the form of increased infiltration and reduced peak runoff rates and volumes.~~
- (3) ~~Utilizing the above design principles, a storm water management plan shall be designed for the project area, utilizing the stormwater control “Best Management Practices” (BMPs) presented in *Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual*, dated December 1994 and May 2000, and any subsequent revisions thereto, prepared by the New Jersey Department of Environment Protection and the new Jersey Department of Agriculture. Utilizing the above design principles, a stormwater management plan shall be designed for the project area, utilizing the stormwater control BMPs presented in *The NJDEP Stormwater Best Management Practices Manual* and any subsequent revisions thereto, prepared by the NJDEP.~~
- (4) ~~The no net increase provision of this ordinance shall be deemed to have been met regarding nonpoint source pollutants and sediments if the estimated post-development nonpoint source pollutant loadings after water quality treatment have been reduced prior to discharge by the following percentages for the nonpoint source pollutant indicator parameters. The provisions of this chapter shall be met regarding nonpoint source pollutants if the estimated post-development nonpoint source after water quality treatment, has been reduced by 90% prior to discharge.~~

*Amendment to Stormwater Ordinance – continued:*

TABLE 3-1		
Nonpoint Source Indicator Parameters	For New Developments on Previously Undeveloped Land	For Sites Undergoing Redevelopment
Total Suspended Solids (TSS)	90% or greater	45% or greater
Total Nitrogen (TN)	65% or greater	30% or greater
Total Phosphorous (TP)	75% or greater	25% or greater
Zinc (Zn)	90% or greater	20% or greater
Lead (Pb)	90% or greater	50% or greater

(5) ~~In estimating the removal efficiencies of the water quality control measures proposed, it shall be acceptable to utilize the mean removal efficiency statistics provided in the *Stormwater and Nonpoint Source Pollution Control Best Management Practices Manual*, dated 1994 and May 2000, and any subsequent revisions thereto, prepared by the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture. In estimating the total suspended solids removal efficiencies of the water quality control measures proposed, it shall be acceptable to utilize the removal efficiency statistics provided in the NJDEP Stormwater Best Management Practices Manual and any subsequent revisions thereto, prepared by the NJDEP.~~

~~F.G.~~ Requirements for selected stormwater management measures. Considerations will be given to other innovative BMPs not listed in this chapter; however, the applicant will be required, when proposing the use of alternative BMPs, to provide the Planning Board with detailed engineering plans and performance capabilities. Any vegetation used in the creation of BMPs shall exclude the planting of invasive and/or exotic species.

- (a) Vegetation shall be commercial native wetland plant stock, either live plants or dormant rhizomes, instead of transplants from existing wetlands areas or seeding; invasive exotic species (table 3.1) shall not be introduced;

<b>TABLE 3.1</b>	
<b><u>EXOTIC AND INVASIVE PLANT SPECIES</u></b>	
<i>Common Name</i>	<i>Botanical Name</i>
<b><u>TREES</u></b>	
<u>Norway maple</u>	<u>Acer platanoides</u>
<u>sycamore maple</u>	<u>Acer pseudoplatnus</u>
<u>tree of Heaven</u>	<u>Alianthus altissima</u>
<u>Russian olive</u>	<u>Eleagnus angustifolia</u>
<u>autumn olive</u>	<u>Eleagnus umbellatus</u>
<u>white mulberry</u>	<u>Morus alba</u>
<u>Amur corktree (female only)</u>	<u>Phellodendron amurense</u>
<u>white cottonwood</u>	<u>Populus alba</u>
<b><u>SHRUBS AND SMALL TREES</u></b>	
<u>Japanese barberry</u>	<u>Berberis thunbergii</u>
<u>bush honeysuckle</u>	<u>Lonicera spp</u>
<u>winged euonymous</u>	<u>Euonymous alatus</u>
<u>common buckthorn</u>	<u>Rhamnus cathartica</u>
<u>European buckthorn</u>	<u>Rhamnus frangula</u>
<u>wineberry</u>	<u>Rubus phoenicolasius</u>
<u>Japanese spirea</u>	<u>Spirea japonica</u>
<u>coralberry</u>	<u>Symphoricarpos orbiculatus</u>
<u>multiflora rose</u>	<u>Rosa multiflora</u>
<u>Privet</u>	<u>Ligustrum spp.</u>

<u>porcelain berry</u>	<u>Ampelopsis brevipedunculata</u>
<u>Oriental bittersweet</u>	<u>Celastris orbiculata</u>
<u>Japanese honeysuckle</u>	<u>Lonicera japonica</u>

<b>HERBACEOUS PLANTS</b>
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<u>kudzu</u>	<u>Pueraria lobata</u>
<u>climbing euonymous</u>	<u>Euonymous fortuneii</u>
<u>English ivy</u>	<u>Hedera helix</u>
<u>periwinkle</u>	<u>Vinca minor</u>
<u>Japanese/Chinese wisteria</u>	<u>Wisteria floribunda, Wisteria sinensis</u>

<u>purple loosestrife</u>	<u>Lythrum salicaria</u>
<u>Japanese knotweed</u>	<u>Polygonum cuspidatum</u>
<u>garlic mustard</u>	<u>Ailara officinalis</u>
<u>crownvetch</u>	<u>Coronilla varia</u>
<u>moneywort</u>	<u>Lysimachia nummularia</u>
<u>Russian thistle</u>	<u>Sorgum halpense</u>

- (d) At least two hardy and rapid colonizing indigenous primary wetlands species shall be planted in three or four monospecific stands with individual plants spaced two to three feet apart. Up to three less aggressively colonizing secondary wetlands species shall be randomly distributed in clumps around the perimeter of the marsh; and
- (e) At least 25% of the total surface area of a basin designed exclusively to act as a shallow marsh shall be open water with a depth of at least two feet in order to provide habitat for waterfowl and other marsh birds.

***Amendment to Stormwater Ordinance – continued:***

- (4) For vegetated or biofilter swales:
  - (a) The water velocity shall not exceed two feet per second (FPS) to allow for settlement of TSS during the water quality design storms. The slope shall not be less than 0.5% so that positive drainage is maintained. The bottom of the swale shall not be compacted during construction to preserve infiltration value. The swale slope shall not exceed 5% and shall be of sufficient length to allow for settlement of TSS taking into consideration the velocity, depth of flow and expected loading of TSS;
  - (b) Where feasible, vegetation shall be used in the swale to filter TSS and to provide a secondary treatment by absorption of pollutants leached into the soil. Vegetation used in the swale shall be native, non-invasive, non-exotic species approved by Readington Township and the Hunterdon County Soil Conservation District,
  - (c) If the swale is designed to provide infiltration, the soil texture shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture and there shall

be a minimum of three (3) feet separation between the bottom of the swale and the seasonal high water table; and

- (d) The swale shall be used internally within the stormwater collection system and in conjunction with other methods such as vegetated filter strips to increase their effectiveness.
- (5) For above-grade infiltration facilities:
  - (a) There shall be at least three (3) feet vertical separation between the bottom of the facility and the seasonal high-water table;
  - (b) The maximum depth of impoundment shall be two (2) feet;
  - (c) The soil texture of the upper six inches of the facility (i.e., immediately below the surface layer of turf, gravel, paving blocks, etc.) shall be sand, loamy sand or sandy loam, as described by the US Department of Agriculture. As necessary, the applicant will import appropriate cover material to comply with this requirement;
  - (d) The surface of the facility may be stabilized by turf, gravel, modular paving blocks, or other measures approved by the Township professionals;
  - (e) The entire volume of the runoff impounded during a storm shall be recharged to groundwater within 72 hours; and
  - (f) ~~The design of the infiltration facility shall be based on infiltration rates measured using procedures outlined in the design standards presented in the 5<sup>th</sup> draft (May 2000) of the NJDEP Best Management Practices Manual for above ground infiltration systems.~~ The design of the infiltration facility shall be based on infiltration rates measured using procedures outlined in the design standards presented in the NJDEP Best Management Practices Manual for aboveground infiltration systems.
- (6) For below-grade infiltration facilities.
  - (a) Where pervious media is used (e.g., gravel surfaced parking areas, gravel filled trenches), the applicant shall provide documentation of the in-place porosity of the media for purposes of estimating the retained runoff volume;
  - (b) A media separation (e.g., geotextile or graded sand filter) shall be used to maintain the integrity of the interface between pervious media and the native soil;
  - (c) The design of the facility shall be based on infiltration rates measured using procedures outlined in the design standards presented in the NJDEP Stormwater Best Management Practices Manual for aboveground infiltration systems;
  - (d) The entire volume of the runoff impounded during a storm shall be recharged to groundwater within 72 hours. Standpipes are required in all below-grade infiltration facilities for the purpose of inspecting water levels; and
  - (e) As required by the Township professionals, runoff shall be pre-treated prior to discharge into the below-grade infiltration facility to remove TSS and other nonpoint source pollutants. Treatment may consist of a vegetated buffer strip, sediment trap, manufactured treatment devices, etc.

***Amendment to Stormwater Ordinance – continued:***

- (7) For ~~porous asphalt~~ pervious pavement:
  - (a) The soil beneath the pavement shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture, or the applicant could create a suitable sub-grade reservoir for the storage of runoff using gravel or other appropriate medium;
  - (b) The ~~porous~~ pervious pavement shall be buffered with vegetative screening to prevent the intrusion of aeolin sand and silt;
  - (c) ~~The permittee shall undertake~~ A strict maintenance schedule including but not limited to vacuum sweeping on a weekly basis and high-pressure water washing on a monthly basis will be required of any approved ~~porous asphalt~~ pervious pavement.
  - (d) The ~~porous asphalt~~ pervious pavement shall be used in light traffic areas subject to automobiles only and is marked by a sign restricting traffic to only passenger vehicles;
  - (e) No asphalt sealer may be used;

- (f) No sand shall be applied to **porous pervious** pavement during periods of snow and ice;
  - (g) ~~Refer to the design standards presented in the 5<sup>th</sup> Draft (May 2000) of the NJDEP Best Management Practices Manual for above ground infiltration systems~~ Refer to the design standards presented in the NJDEP Stormwater Best Management Practices Manual for aboveground infiltration systems; and
  - (h) The area where **porous pervious** pavement is being used should be disconnected from stormwater flows generated from all adjacent areas, and should be designed to manage the volume runoff generated only from the area in which the pervious pavement is being installed. This disconnect of the area from adjacent areas limits the hydrologic load that the system will manage and decreases the opportunity for fine sediment that could potentially clog the pavement from being directed onto the surface.
- (8) For modular paving block systems:
- (a) The upper six inches of soil beneath the paving system shall be sand, loamy sand or sandy loam as defined by the US Department of Agriculture. As necessary, the applicant will import appropriate cover material to comply with this requirement;
  - (b) In-place infiltration rates shall be measured using procedures outlined in NJDEP guidance or other methods acceptable to the Township professionals;
  - (c) Permissible paving blocks include, but are not limited to, bricks bedded in sand (minimum one-half inch separation between blocks) and interlocking concrete blocks with open-work cutouts;
  - (d) Paving block systems shall be used in pedestrian and in light traffic areas subject to automobiles only and marked by a sign restricting traffic to only passenger vehicles;
  - (e) A semiannual program of inspection and maintenance shall be required of all modular paving block systems;
  - (f) Modification of paved areas to provide benefits associated with below grade infiltration facilities can be obtained by constructing pavement over a layer of coarse aggregate or similar permeable media.
- (9) Manufactured treatment devices **(MTDs)**:
- (a) ~~The drainage areas served shall be less than one tenth of an acre in size and the applicant's comprehensive maintenance plan is approved by the municipality. The applicant shall submit design calculations and performances data for all MTDs.~~
  - (b) The applicant shall submit design calculations and performances curves for all devices.
  - (c) ~~Devices should be used for pre-treatment, not post treatment MTDs~~ should be used for the pre-treatment of stormwater runoff, not for the post-treatment of stormwater that has already been routed through a primary stormwater BMP (e.g., detention basin).

*Amendment to Stormwater Ordinance – continued:*

- (d) ~~Manufactured treatment devices shall be used to treat mostly impervious surfaces. No large tracts of pervious surfaces should be routed into the device.~~ MTDs shall be used to treat mostly impervious surfaces. No large tracts of pervious surfaces should be routed into the device.
- (e) All considered manufactured treatment devices shall be recognized by NJDEP and deemed suitable for use in New Jersey.
- (f) Removal of TSS by such approved devices shall be in accordance with the removal rates established by NJDEP.

**H. Stormwater quality management**

- (1) 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 by 90 percent of the

anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional one-quarter acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey 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. The water quality design storm is 1.25 inches of rainfall in two hours. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

- (2) For purposes of TSS reduction calculations, presumed TSS removal rates shall be consistent with those provided in the New Jersey Stormwater Best Management Practices Manual.
- (3) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:  $R = A + B - (AXB)/100$

Where

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

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

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

- (4) If there is more than one onsite drainage area, the 90 percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub-areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in N.J.A.C. 7:8-5.4 and 5.5.

#### G.I. Planning and design standards for maintenance and repair.

- (1) The goal for the planning and design of a stormwater management facility is for its operation with the least practical amount of maintenance. To accomplish this, the facility shall be developed to eliminate avoidable maintenance tasks, minimize the long-term amount of regular maintenance, facilitate the performance of required maintenance tasks, and reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts.
- (2) Strong, durable, and non-corrodible materials, components, and fasteners shall be used to reduce required maintenance efforts. These include but are not limited to: lightweight non-corrodible metals such as aluminum for trash racks, orifice plates, and access hatches; hardy, disease resistant grasses for bottoms and side slopes as prescribed by soil erosion and sediment control standards administered by the Hunterdon County Soil Conservation District; reinforced concrete for outlet structures and let headwalls; and gabions for channel and outlet linings.

#### *Amendment to Stormwater Ordinance – continued:*

- (3) ~~Detention facilities shall be designed to minimize propagation of insects, particularly mosquitoes.~~ Stormwater structures and facilities, including those designed for infiltration, detention or retention with or without vegetation, shall be designed to minimize propagation of insects, particularly mosquitoes.
- (4) ~~Detention facilities should be designed in a harmonious and attractive manner.~~ Stormwater structures and facilities, including those designed for infiltration, detention or retention with or without vegetation, should be designed in a harmonious and attractive manner.
- (5) ~~Detention facility outlets shall be designed to function without manual, electric or mechanical controls.~~ Stormwater structures and facilities, including

those designed for infiltration, detention or retention with or without vegetation, outlets shall be designed to function without manual, electric or mechanical controls. Design specifications shall be consistent with those required by NJDEP.

- (6) Maintenance shall be required as part of all stormwater management plans. Specific maintenance techniques and schedules shall be provided for each type of system used on the site. ~~If maintenance of the system will be the responsibility of a person other than a State, county or municipal agency, then the maintenance plan approved by the municipality shall be recorded upon the deed of record for the property.~~

(a) With the exception of drywells used to manage the rooftop runoff from single family residential dwellings, in no case shall the maintenance of any BMP be the responsibility of an individual property owner. Specifically, the 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. In such cases, the maintenance plan approved by the municipality shall be recorded upon the deed of record for the property.

~~(a)~~(b) The maintenance plan shall include the name, address and telephone number of the party or parties responsible for long-term maintenance. Documentation of their assumption of this responsibility shall be submitted as part of the permit application. The transfer of maintenance responsibility to individual property owners in residential subdivisions is prohibited except through a homeowners' association agreement.

~~(b)~~(c) Written maintenance and repair records for all stormwater management systems shall be submitted annually to the Township maintained for at least five years by the person's identified in Subsection ~~G I~~(6) above ~~and shall be provided to the municipality upon request.~~

~~(e)~~(d) Maintenance of artificial wetlands shall include, but not be limited to:

- [1] ~~Documented visual inspection of all components of the system at least once every six months. Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1" of precipitation.~~
- [2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup; and
- [3] Vegetation removal and replacement, as necessary, at least once a year.

~~(d)~~(e) Maintenance of detention basins shall include, but not be limited to:

- [1] ~~Documented visual inspection of all components of the system at least once every six months. Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1" of precipitation.~~
- [2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup;
- [3] Documented maintenance, including grass cutting, and necessary replacement of all landscape vegetation within the basin at least once a year; and

*Amendment to Stormwater Ordinance – continued:*

- [4] Documented aeration/aerification of basin bottoms at least once a year and scraping and replanting at least once every five years to prevent the sealing of the basin bottom.

~~(e)~~(f) Maintenance of wet ponds/retention basins shall include, but not be limited to; ~~annual documented monitoring of water quality, dissolved oxygen, vegetative growth, temperature and fish population, for a period of three years to ensure that the wet pond/retention basin is working as intended.~~

[1] Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1” of precipitation.

[2] Annual documented monitoring of water quality, dissolved oxygen, vegetative growth, temperature and fish population for a period of three years to ensure that the wet pond/retention basin is working as intended.

(g) Maintenance of infiltration structures shall include but not be limited to:

[1] Documented visual inspection of all components of the system at least once every quarter and following any rain event that produces at least 1” of precipitation.

[2] Documented removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months or upon noticeable buildup;

[3] Inspection and proper refurbishment of the sand layer of the infiltration basin, trench or sub-surface structure upon evidence of failure of the infiltration system to fully void collected runoff within 72 hours following the completion of a storm event. Replacement of sand or infiltration media shall be done in a manner that does not result in the compaction of the sub-surface soils and results in the restoration of the infiltration structure’s original design infiltration capacities and capabilities.

**H.J.** Safety measures. Safety measures are to be incorporated in the design of all stormwater and infiltration control projects. These may include but not be limited to fencing, warning signs/stadia rod indicating depth at lowest point, and outlet structures designed to limit public access as deemed needed and appropriate by the Township Professionals. Safety requirements must at a minimum conform to the NJAC 7:8-6.

#### **Section 5**

Section 148-65.3 entitled “Requirements for a site development/stormwater plan.” of Article VII entitled “Subdivision and Site Plan Design Standards” of Chapter 148 entitled “Land Development” of Township of Readington Land Use Code, as heretofore supplemented and amended, is hereby supplemented and amended to change requirements pertaining to stormwater management:

§ 148-65.3. Requirements for a site development/stormwater plan. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]

**A.** Applicability – Any application, whether residential or commercial, seeking site plan approval from the Township Planning Board or Board of Adjustment, regardless of the area of site disturbance or area of new impervious cover is subject to this ordinance. In those cases where the total area of disturbance is less than one (1) acre or the total amount of new impervious cover is less than ¼ (0.25) acre, the extent of compliance with this ordinance will be at the discretion of the respective Board with guidance from the Board’s engineering, planning, and/or environmental professionals.

**AB.** Submission of site development stormwater plan.

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan, 4.3, as part of the submission of the application for subdivision of site plan approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
- (3) The submission requirements set forth in the checklist in 4.3 are in addition to any other required development checklists. Failure to provide all items will result in an application being deemed incomplete.

#### ***Amendment to Stormwater Ordinance – continued:***

**B.C.** Site development stormwater plan approval. The applicant’s plans for development shall be reviewed as a part of the subdivision or site plan review process by the approving authority. The approving authority may consult its professionals (as appropriate) to

determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

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

- (1) Topographic base map. A topographic base map of the site shall 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 shall indicate existing surface water drainage; marshlands and other wetlands; pervious or vegetative surfaces; existing man-made structures; roads; bearing and distances of property lines; and significant natural and manmade features not otherwise shown. The reviewing professionals may require upstream tributary drainage system information as necessary.
- (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs shall be provided. This description should include a discussion of soil conditions, slopes, wetlands, 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) Stormwater management facilities map. The following information shall be provided and illustrated on a map of the same scale as the topographic base map:
  - (a) Total area to be paved or built upon, proposed surface contours, estimated 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 surface water.
  - (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.
- (5) Calculations.
  - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms as specified in Section 3 of this Ordinance, **and in keeping with NJAC 7:8 and as detailed in the New Jersey Stormwater Best Management Practices Manual.** Post-development pollution load should be computed using the any of the pollutant models as detailed in the most recent NJDEP BMP Manual.
  - (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. This soils report shall be based on on-site boring logs or soil pit profiles. ~~**The number and location of required soil borings or soil sits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.**~~ **The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. Borings must be conducted within the footprint of the proposed stormwater control measure.**

***Amendment to Stormwater Ordinance – continued:***

- (6) Maintenance and Operation Plan.

- (a) **A stand alone Maintenance and Operation manual that details how each of the project's BMPs will be inspected and maintained over time must be submitted as part of the site plan review and approval process.** The design and planning of the stormwater management facility shall meet the objectives of Section 3.8.
- (b) Preventative, corrective and aesthetic functional maintenance procedures shall be detailed which ensure the continuation of the intended function of the facility.
- (c) Maintenance and operation plans for stormwater management facilities shall identify the parts or components of the facility that need to be maintained, and when repairs are required, the equipment and skills or training necessary. Plans for stormwater management facilities shall detail the accessibility of maintenance personnel and equipment.
- (d) The mandatory schedule ~~shall be developed~~ of when and how often maintenance will occur to maintain proper function of the stormwater management facility, **shall be as follows. Quarterly, or after a rainfall event generated more than 1" of rainfall, the BMPs are to be inspected and the observations made during the inspection recorded. These quarterly or storm event inspection reports are to be compiled and annually forwarded to the Township as specified in Section 6(f) below. At least annually, the subject BMP is to be maintained, with said maintenance consistent with the specifications set forth in Chapter 9 of the New Jersey Stormwater Best Management Practices Manual. If maintenance is required on at greater frequency more than once per year, the owner is obliged to provide said maintenance so as to maximize the performance of the BMP or to preclude a reduction in performance, safety, aesthetics or the public health and welfare of the residents of Readington Township. To reduce the potential for extensive, and costly remedial or emergency maintenance efforts, the schedule of maintenance activities shall include inspections to ensure proper performance of the facility between cleanouts.**
- (e) Where a stormwater management facility is used for sediment control during construction, a debris and sediment disposal site shall be confirmed before the facility is constructed. The disposal site may or may not be at the site of the proposed development. The responsible party shall demonstrate that he or she is capable of financing the removal and disposal of debris and sediment before the facility is operating. Disposal site(s) shall be included in the soil erosion and sediment control plan and certified by the Hunterdon County Soil Conservation District.
- (f) ~~Provisions for periodic review and evaluations to determine the overall effectiveness of the maintenance programs and the need for revised or additional maintenance procedures, personnel and equipment shall be included in the facilities maintenance and repair plan.~~ **Annually the owner of the BMP is required to submit to the Township Committee, Director of the Township Public Works Department and the Zoning Officer a Maintenance, Inspection and Operations Report. In said report the owner shall provide proof of the quarterly or storm specific inspections that were conducted over the course of the year and proof of any and all maintenance conducted of the BMP to ensure the BMP's function, performance, safety and the protection of the public health and welfare of the residents of Readington Township.**
- (g) **Provisions for periodic review and evaluations to determine the overall effectiveness of the maintenance programs and the need for revised or additional maintenance procedures, personnel and equipment shall be included in the facilities maintenance and repair plan or maybe requested by the Township based on the content and results of the annual reports or as a result of conditions which arise due to the inadequate maintenance of the BMP and impacts to the public health and welfare of the residents of Readington Township.**

*Amendment to Stormwater Ordinance – continued:*

**Section 6**

**Section 148-65.2 entitled “Continued maintenance, repair and safety” of Article VII entitled “Subdivision and Site Plan Design Standards” of Chapter 148 entitled “Land Development” of Township of Readington Land Use Code, as heretofore supplemented and amended, is hereby supplemented and amended to change requirements pertaining to stormwater management:**

**§ 148-65.4. Continued maintenance, repair and safety. [Added 6-17-2002 by Ord. No. 15-2002; amended 10-7-2002 by Ord. No. 40-2002]**

A. Applicability

Projects subject to review as specified in Section 1.4 of this ordinance shall comply with the requirements of Section 5.2 and 5.3.

B. Responsibility for Continued Maintenance, Repair And Safety.

- (1) The requirements of this section do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. Responsibility for operation and maintenance of stormwater management facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the property owner, unless assumed by a governmental agency, with permanent arrangements that it shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency, or other legally established entity to be permanently responsible for inspection and maintenance, hereinafter in this section referred to as the “responsible person.”
- (2) Prior to granting approval or as a condition of final subdivision or site plan approval to any project subject to review under this Ordinance, the applicant shall enter into an agreement with the municipality to ensure the operation and maintenance of the stormwater management facility. In cases where property is subdivided and sold separately, a homeowners' association or similar permanent entity shall be established as a responsible person. Absent an agreement by a governmental agency to assume responsibility, it shall be demonstrated to the municipality that a proposed new responsible entity has the capability to complete and finance necessary maintenance.
  1. 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, 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 Township professionals. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.
  2. **In no case shall the maintenance of a stormwater management facility intended to \_\_\_\_\_ manage stormwater generated by multiple lots be the responsibility of an individual lot owner.**

C. Continued Maintenance And Repair Procedures.

- (1) Preventive maintenance procedures are required to maintain the intended operation and safe condition of the stormwater management facility by reducing the occurrence of problems and malfunctions. To be effective, preventive maintenance shall be performed on a regular basis and include such routine procedures as training of staff, periodic inspections, grass cutting and fertilizing, silt and debris removal and disposal, upkeep of moving parts, elimination of mosquito breeding habitats, pond maintenance, and review of maintenance and inspection work to identify where the maintenance program could be more effective.
- (2) Corrective maintenance procedures are required to correct a problem or malfunction at a stormwater management facility and to restore the facility's intended operation and safe condition. Based upon the severity of the problem, corrective maintenance must be performed on an as-needed or emergency basis and include such procedures as structural repairs, mosquito extermination, removal of debris, sediment and trash removal which threaten discharge capacity, erosion repair, snow and ice removal, fence repair and restoration of vegetated and non-vegetated lining.

*Amendment to Stormwater Ordinance – continued:*

**(3) Should there be a failure to provide the appropriate level of maintenance, or should an emergency arise owing to inadequate maintenance or the potential or realized failure of the BMP, the Township, including Township designated agents or professionals, reserves the right of entry to conduct inspections and/or maintenance. In those cases where the maintenance of the BMP has not been conducted appropriately to ensure the BMP's function, performance and safety or where the public health and welfare of the residents of Readington Township may be compromised, the owner will be levied a fee for said maintenance conducted by the Township or the Township's agents or professionals.**

D. Violations and Penalties.

**(1)** Any responsible person who violates any portion of this ordinance shall be subject to penalties and, upon conviction, shall be liable to a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days. Each and every day such violation continues shall be deemed to be a separate violation.

**Section 7**

Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

**Section 8**

Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 9**

Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

**Section 10**

This ordinance supersedes any ordinances, sections or portion(s) of the Land Development Ordinance of Readington Township or any other Township ordinance inconsistent herewith.

**Section 11.**

This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon approval by the Hunterdon County Planning Board pursuant to *N.J.S.A. 40:55D-97*. If no response is received from the Hunterdon County Planning Board within sixty (60) days of its receipt, the ordinance shall then be considered to be in effect, as provided by the statute cited above.

**A MOTION** was made by Mrs. Allen to introduce this Ordinance, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

Public Hearing was scheduled for Wednesday, April 18, 2007 at 8:00 p.m.

3. **2007 Budget** - introduction.

**A MOTION** was made by Mrs. Muir to introduce the 2006 Municipal Budget, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

Public Hearing was scheduled for Wednesday, April 18, 2007.

Mr. Gatti said copies of the budget will be available for the publics' review and detailed

presentation regarding the 2007 Budget will be given at the public hearing.

**NEW BUSINESS – continued:**

4. **Resolution altering the tax maps of the Townships of Readington and Branchburg along their common border.**

Attorney Dragan submitted a draft resolution for the Committee's consideration to address Block 97, Lot 5 in Readington Township and Block 80, Lot 5 in Branchburg Township.

The following Resolution was offered for consideration:

**RESOLUTION ALTERING THE TAX MAPS OF THE TOWNSHIPS OF READINGTON AND BRANCBURG ALONG THEIR COMMON BORDER SO AS TO ASSIGN BLOCK 80, LOT 5 IN BRANCBURG TOWNSHIP AND BLOCK 97, LOT 5 IN READINGTON TOWNSHIP TO A SINGLE TAXING DISTRICT IN READINGTON TOWNSHIP  
#R-2007-52**

**WHEREAS**, the Township of Readington and the Township of Branchburg, situated in the Counties of Hunterdon and Somerset, respectively, in the State of New Jersey, share a common border; and

**WHEREAS**, N.J.S.A. 54:4-25 provides that when the line between taxing districts divides a tract of land, each part shall be assessed in the taxing district where located, unless the governing body of one of the taxing districts shall by resolution request that the entire tract be assessed by the adjoining taxing district in which a portion of the tract is located; and

**WHEREAS**, the Tax Assessors of the Townships of Readington and Branchburg have previously examined and evaluated the properties located in both municipalities and determined that it would be beneficial to the property owners and to the respective tax offices to create by companion resolutions of the governing bodies of the respective municipalities an assessment line to delineate which Township will assess each tract; and

**WHEREAS**, in August of 1995, Readington Township and Branchburg Township adopted Resolutions, numbered 95-55 and 95-243 respectively, altering their tax maps along the common borders so as to assign various individual tracts of land divided by the border to a single taxing district; and

**WHEREAS**, the property known as Block 80, Lot 5 in Branchburg Township and Block 97, Lot 5 in Readington Township was not included in the assessment delineation at the time due to a tax lien. However, the property is now eligible to be included; and

**WHEREAS**, the Township Committee has received a memorandum from the Readington Township Tax Assessor's office recommending that the above-mentioned property be assigned to and fully-assessed by Readington Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Readington that the Township of Branchburg be requested to accept that the entire tract of the property known as Block 80, Lot 5 in Branchburg Township and Block 97, Lot 5 in Readington Township be assigned to Readington Township for full and single assessment by Readington; and

**BE IT FURTHER RESOLVED**, that such assignment will take effect upon passage of a companion resolution by the Township of Branchburg consenting to the assignment of Block 80, Lot 5 in Branchburg to Readington Township for full and single assessment by Readington Township and upon transmittal of a certified copy thereof to the Municipal Clerk of the Township of Readington.

**A MOTION** was made by Mrs. Allen to adopt this Resolution, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

***NEW BUSINESS – continued:***

5. ***WalMart Store #5069*** – request for release of Performance Bond.

Action on this matter was deferred until the next meeting.

6. ***Readington Township Museums*** - General Operating Support 2007 Grant.

Attorney Dragan said she read through the application and it seems that there is a reoccurring typographical error throughout the application that should be corrected before it is submitted.

***A MOTION*** was made by Mrs. Muir to approve the Readington Township Museums General Operating Support 2007 Grant application, as corrected. This motion was seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mrs. Allen	-	Aye
Mr. Gatti	-	Aye
Mrs. Muir	-	Aye
Deputy Mayor Auriemma	-	Aye

7. ***DeMaio Electric*** - Payment #4 for Three Bridges Pump Station project (\$6,370.00).

This item was addressed under the Consent Agenda.

8. ***Application for Raffles License*** – Whitehouse Fire Co. #1, Inc.

This item was addressed under the Consent Agenda.

9. ***Application for Raffles License*** – Hunterdon County Soil Conservation Education Foundation, Inc.

This item was addressed under the Consent Agenda.

***ADMINISTRATOR'S REPORT:***

Written report submitted.

Administrator Mekovetz said she had nothing to report at this time.

***ATTORNEY'S REPORT:***

Written report submitted.

Attorney Dragan said closings were held last week with Hunterdon County on the Arnaudy and D'Urso properties. Closings are scheduled on the Staats property for tomorrow and the Cuchiaro property for next week.

Attorney Dragan said she had nothing further to report at this time.

***ENGINEER'S REPORT:***

Written report submitted.

As Engineer McEldowney was not in attendance, no additional report was given.

***COMMITTEE REPORTS:***

1. ***Gerard Shamey:***

As Mayor Shamey was not in attendance, no report was given.

**COMMITTEE REPORTS – continued:**

**2. Julia Allen:**

**a. Farmland\Open Space Preservation\Land Projects Liaison**

Mrs. Allen said the next meeting of the Open Space Committee is scheduled for Wednesday, March 21<sup>st</sup>.

**b. Sewer Advisory Committee**

Mrs. Allen said a meeting of the Sewer Advisory Committee will be scheduled in the near future.

Mrs. Allen said she had nothing further to report at this time.

**3. Thomas Auriemma:**

**a. Liaison to Fire Companies and Rescue Squad**

Deputy Mayor Auriemma reported the following responses from the Three Bridges Volunteer Fire Company:

January, 2007	12 incidents	121 staff/90.98 staff hours
February, 2007	9 incidents	148 staff/104.61 staff hours

Deputy Mayor Auriemma said he had nothing to report at this time.

**4. Frank Gatti:**

**a. Finance Department**

1. *Monthly Collection Report* for February, 2007.

This item was addressed under the Consent Agenda.

2. *Monthly Collection Report for Sewers* for February, 2007.

This item was addressed under the Consent Agenda.

3. *Payment of the Bills.*

This item was addressed under the Consent Agenda.

Mr. Gatti said he had nothing further to report at this time.

**5. Beatrice Muir:**

Mrs. Muir said she had nothing to report at this time.

**COMMENTS FROM THE PUBLIC:**

Deputy Mayor Auriemma asked for comments from the public.

Ms. Ingelore Krug said the Committee had passed the budget for the Museums but did not mention any amounts.

Mr. Gatti said the item discussed earlier in the meeting was a grant that the Township applied for through the New Jersey Historical Commission to off-set part of the Museum Administrator's salary.

Ms. Krug asked if the Museums do not generate their own income.

**COMMENTS FROM THE PUBLIC – continued:**

Mrs. Allen said a lot of the Museum programs are available to the local schools at no charge. Also, when there is a fee for a program it often just covers the cost of putting on the program.

Ms. Krug referred to the Cornhuskers park and asked why the playground is not advertised.

Mrs. Allen said all of the parks except Roosevelt Road have playground equipment. She suggested that this be mentioned in the next issue of the newsletter.

**COMMENTS FROM THE GOVERNING BODY:**

Deputy Mayor Auriemma asked for comments from the Governing Body.

Mr. Gatti said the DPW did an excellent job in response to last Friday's snow and ice storm. All agreed.

***ADJOURNMENT***

As there was no further business, a motion was made by Mrs. Muir at 8:55 p.m., seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC\CMC  
Administrator\Municipal Clerk