

**MINUTES
GREEN TOWNSHIP COMMITTEE
REGULAR MEETING FEBRUARY 17, 2021**

CALL TO ORDER

Mayor Phillips called the February 17, 2021, meeting of the Green Township Committee to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ADEQUATE NOTICE: Mr. Zschack read the statement of adequate notice.

ROLL CALL: Present: Mr. Daniel Conkling, Mr. Bader Qarmout, Mrs. Virginia "Ginnie" Raffay, and Mayor Margaret "Peg" Phillips

Absent: Mr. James Chirip

Mr. Qarmout motioned to excuse the absent member

Seconded: Mr. Conkling

Discussion: None

All were in favor.

Also present: Mr. Jonathan Frodella, Township Attorney; (in Mrs. Leo's absence); Mr. Mark Zschack, Township Clerk/Administrator; Mrs. Linda Padula, CMFO; and Mr. Jason Miller, Superintendent of Public Works

OPEN PUBLIC SESSION #1 Mayor Phillips opened the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. Mayor Phillips noted that no public members were present. Mayor Phillips closed Public Session #1.

BUDGET WORKSHOP: Mrs. Padula reviewed the departmental budget worksheets as well as the Capital Improvement Plan. The Committee discussed and considered a future dog census, OEM's request to purchase a vehicle to tow the OEM trailer, as well as reductions in several line items. It is anticipated that there will be a slight half cent increase to the taxpayers, which estimates to about \$16.00 per average house. Mayor Phillips thanked Mrs. Padula and Mr. Zschack for their work in keeping on a very solid financial position as a Township as well as all the departments. Mrs. Padula stated the Budget will be is anticipated to be introduced on March 15, adoption will be April 19. Mr. Conkling motioned to approve the half cent tax increase with appropriate reductions in areas to be determined.

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout		X		
Mrs. Raffay	X			
Mrs. Phillips	X			

DISCUSSIONS: None

CONSENT AGENDA:

1. **RESOLUTIONS:** (Approval of the Following)
None
2. **CORRESPONDENCE:** (Acceptance for Filing of the Following)
 - b. Letter Received February 5, 2021, from JCP&L Regarding Notice of Public Hearing
3. **REPORTS:** (Acceptance for Filing of the Following)
 - a. Treasurer's Report - December 31, 2020
 - b. Sussex County Planning Board Minutes - December 7, 2020
 - c. Sussex County Water Quality Management Policy Advisory Committee Minutes - January 9, March 5, and September 3, 2020

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- d. Sussex County Solid Waste Advisory Committee Minutes - January 6, 2021
- e. Building Permit Fee Log Report - January 2021
- f. Open Space Advisory Committee Minutes - January 6, 2021
- g. Animal Control Officer Report - October-December 2020
- h. Sussex County Agriculture Development Board Minutes - November 16, 2020
- i. Green Township Volunteer Fire Department Monthly Incident Report - January 2021
- j. Tax Collector's Report - January 2021

4. APPLICATIONS: (Approval of the Following)

None

Mrs. Raffay motioned to move the Consent Agenda minus Correspondence Item 2a

Seconded: Mr. Qarmout

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

2a. Letter Received February 4, 2021, from Altice Regarding Franchise Fee Payment

Motion: Mr. Qarmout motioned to accept Consent Agenda Correspondence Item 2a

Seconded: Mrs. Raffay

Discussion: Mr. Qarmout asked if the dollar amount is consistent with prior year's dollar amount. Mrs. Padula confirmed that the dollar amount is consistent with previous years.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

OLD BUSINESS:

a. Public Hearing Ordinance 2021-01 - To Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Mayor Phillips opened the meeting for public comments.

There being no public comments offered, Mr. Conkling motioned to close Public Hearing and adopt the ordinance.

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

NEW BUSINESS:

a. Resolution 2021-49 - Authorize Change Order for the Proposed Improvements to Forest Road

Motion: Mr. Conkling

Seconded: Mrs. Raffay

Discussion: Mr. Qarmout asked for confirmation from the Township Engineer that the project is completed properly. Mr. Zschack responded that the Township Engineer inspected the project and recommends final acceptance.

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	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

b. Resolution 2021-50 - Final Acceptance of Proposed Drainage Improvements to Forest Road

Motion: Mr. Qarmout

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

c. Resolution 2021-51 - Release of Escrow - Gary Shamy

Motion: Mr. Conkling

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

d. Resolution 2021-52 - Bills List (01/15/2021 to 01/28/2021)

Motion: Mrs. Raffay

Seconded: Mr. Qarmout

Discussion: Mr. Qarmout questioned the dues amount paid to Randolph. Mr. Zschack responded that the invoice is payment of the annual fee to the Morris County Co-op.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

e. Resolution 2021-53 - Developers Escrow Trust (01/13/2021 to 02/10/2021)

Motion: Mr. Qarmout

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

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f. Resolution 2021-54 - Release of Escrow - Brian Shamy

Motion: Mrs. Raffay
Seconded: Mr. Qarmout
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

g. Resolution 2021-55 - Bills List (01/29/2021 to 02/10/2021)

Motion: Mr. Conkling
Seconded: Mr. Qarmout
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

h. Introduction Ordinance 2021-03 - Amending Chapter 30 Land Use Regulations of the Township of Green Code

Mr. Qarmout motioned to introduce the ordinance and move to Public Hearing on March 15, 2021

Seconded: Mrs. Raffay
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

i. Introduction Ordinance 2021-04 - Authorize Public Sale of Block 56, Lots 15 and 17

Mr. Conkling motioned to introduce the ordinance and move to Public Hearing on March 1, 2021

Seconded: Mr. Qarmout

Discussion: Mrs. Raffay requested that the verbiage stating that the property is not buildable can be moved to the beginning of the ordinance for better observing. Upon further inspection of the ordinance there are further revisions. The ordinance will be revised and re-introduced at the next meeting.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling		X		
Mr. Qarmout		X		
Mrs. Raffay		X		
Mrs. Phillips		X		

j. Introduction Ordinance 2021-06 - Fully Funded Ordinance for the Purchase of One Freightliner 108SD Conventional Chassis and Mark-E Dump Body Truck and Equipment

Mr. Conkling motioned to introduce the ordinance and move to Public Hearing on March 1, 2021

Seconded: Mr. Qarmout

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Discussion: Mr. Zschack stated that Mr. Jason Miller is in attendance to answer questions regarding the purchase of this truck. Mr. Conkling stated that the county has smaller tandem trucks that can hold more material, would this be practical for the Township. Mr. Miller responded that those trucks would be hard to move around some of the developments.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

k. Minutes ready for approval - January 20, 2021, regular and executive sessions

Motion: Mrs. Raffay
Seconded: Mr. Conkling
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

MATTERS FROM THE TOWNSHIP CLERK: Mr. Zschack noted the following matters:

Farm Lease - The current lease agreement to farm on the former Trinca Airport property expires in March 2021. A one-year extension to the current lease agreement will be drafted and presented at the next Township Committee meeting for consideration.

Fire Safety - Last year the Township notified the State of our desire to utilize Sussex County for fire inspections beginning April 1, 2021. Not knowing if this type of change will be considered during the COVID crises, a letter will be sent to confirm.

Cares Act Submission - It is my pleasure to announce that the Township received \$15,640.00 in CARES Act monies to help offset expenses due to Covid-19. The amount covers all overtime accrued for the sanitation of restrooms in EverGreen Park and most of the overall expenses attributed to the crises.

Reimbursement for Storm Orlena - Both Sussex and Warren counties have been determined to meet the criteria for potential reimbursement from the January 31, 2021, snow storm. OEM Coordinator, Mike Rose will be submitting total expenses of \$9,430.85.

Taxes and Online Payments - The Tax Collector has informed us that at this time she anticipates no shortage of funds for the current quarter. There also was a very slight increase in last year's collection rate. There have been approximately 40 online tax payments since the inception of online payments. We consider online payments a success and anticipate the number of payments increasing in the future.

Press Release - The winning bidder for the Solar at Trinca Project has requested to place a notice in industry publications concerning their winning bid. The Committee members reviewed the draft press release and indicated their approval.

MATTERS FROM THE GOVERNING BODY: Mr. Conkling asked about the opening of EverGreen Park, noting the parking lot has not been plowed. Mr. Zschack explained that he and Mr. Perigo have discussed the matter and determined it best to wait until the back-to-back snow storms stop. There has not been enough time in between snowfalls to allow for plowing the parking lot at the park. Once there is a break in the snow falls, the parking lot will be plowed and the park opened.

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Mr. Conkling asked for an update pertaining to Altice. Mayor Phillips responded that the recent correspondence with Altice is that they have a meeting scheduled this Friday with their construction department, therefore still waiting for a response on the timeline.

Mr. Conkling asked if having the Qualified Purchasing Agent (QPA) saved the Township money. Mr. Zschack responded that having a QPA has raised the bid threshold and provided guidance on the best way to purchase a product which has saved the Township money.

Mr. Conkling questioned how the municipal building has been operating with it being closed to the public and is it anticipated to keep the building closed. Mr. Zschack stated that work continues and is being handled in a timely manner. The DPW will be addressed once the winter season is over.

Mrs. Raffay asked Mr. Miller about the pothole on Pequest Road by the tunnel by the Sussex Green Farms Road development. Mr. Miller stated that it has been patched but broken up again by the traffic and the plow. It will be fixed after the winter.

Mayor Phillips stated that she has been working with Mr. Zschack and the DPW with regards to residents that plow snow across the road creating a hazardous situation to drivers. A letter will be sent reminding residents that they are not supposed to push snow into the roadway.

Mayor Phillips ordinance addressing sidewalks in the Fawn Hollow and Eagles Nest road development that are not maintained. The ordinance states that they are required to be maintained. Mr. Zschack will send a letter reminding the residents that they are supposed to maintain their sidewalks.

Mayor Phillips noted that there is no ordinance pertaining to homeowners clearing snow around fire hydrants that are on their properties. There are many hydrants that are not cleared of snow. A discussion ensued regarding the enforcement if an ordinance were in place. It is the consensus of the Committee to send letters to the property owners to make them aware that as a courtesy the fire hydrants on their property should be cleared of snow.

MATTERS FROM THE TOWNSHIP ATTORNEY: Mr. Frodella stated that he has been researching ordinances regulating the importation of wood. More information will follow for the next meeting.

MATTERS FROM THE MUNICIPAL DEPARTMENT HEAD: Mr. Zschack noted that they are working on a format for a standard written report with the Municipal Department Head. Mr. Miller was in attendance and stated that all fleet are ready for the upcoming snow storms.

OPEN PUBLIC SESSION #2: There were no matters presented from the public member.

EXECUTIVE SESSION: Resolution ES2021-02 - Personnel Matters - Municipal Clerk and CFO
- Litigation - Block 16, Lot 21.02

Mr. Qarmout motioned to enter Executive Session at 9:19 p.m.

Seconded: Mr. Conkling

Discussion: None

All were in favor.

The Committee returned to Open Public Session at 9:49 p.m.

Mrs. Raffay motioned to close Executive Session and return to Open Session.

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

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Mayor Phillips noted the next Township Committee Meeting is scheduled for Monday, March 1, 2021, at 7:00 p.m.

ADJOURNMENT:

Mrs. Raffay motioned to adjourn at 9:50 p.m.

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

*ALL RESOLUTIONS AND ORDINANCES ARE ATTACHED TO AND MADE PART OF THESE MINUTES



Mark Zschack, RMC
Township Clerk

Date Approved: March 1, 2021

ORDINANCE NO. 2021-01

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF N.J.

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

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

WHEREAS, N.J.S.A. 40A:4-44.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Green in the County of Sussex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$98,819.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Green shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$98,819.07, and that the CY 2021 municipal budget for the Township of Green be approved and adopted in accordance with this ordinance; and

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

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

ORDINANCE NO. 2021-01
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF N.J.

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

ATTEST

TOWNSHIP OF GREEN

Mark Zschack, RMC, Township Clerk

Margaret "Peg" Phillips, Mayor

cc: Linda Padula, CFO

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling		√	√			
Mr. Qarmout	√		√			
Mrs. Raffay			√			
Mrs. Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: January 20, 2021

ADVERTISED: January 22, 2021

RE-ADVERTISED: February 5, 2021

ADOPTED:

ADVERTISED:

RESOLUTION 2021-49
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

**AUTHORIZING A CHANGE ORDER FOR PROPOSED DRAINAGE
IMPROVEMENTS TO FOREST ROAD**

WHEREAS, on October 5, 2020, by adoption of Resolution No. 2020-146, the Green Township Committee, County of Sussex, State of New Jersey, awarded a contract for the proposed drainage improvements to Forest Road to ADS Contractors, LLC, in an amount not to exceed \$113,815.16; and

WHEREAS, ADS Contractors, LLC, has provided an invoice in the amount of \$113,325.91 for the proposed drainage improvements to Forest Road; and

WHEREAS, the Township Engineer has reviewed the submitted invoice and recommends the approval of invoice; and

WHEREAS, the total amount to be paid to ADS Contractors, LLC, for the work completed will result in a change order that will **decrease** the final contract amount by \$489.25.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green that it does hereby approve the Change Order to ADS Contractors, LLC, for a **decrease** of \$489.25, and a new total contract price of \$113,325.91.

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a regular meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

RESOLUTION 2021-50
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

FINAL ACCEPTANCE OF PROPOSED
DRAINAGE IMPROVEMENT TO FOREST ROAD

WHEREAS, on October 5, 2020, by adoption of Resolution No. 2020-146 the Green Township Committee, County of Sussex, State of New Jersey, awarded a contract for the proposed drainage improvements to Forest Road to ADS Contractors, LLC, in an amount of \$113,815.16; and

WHEREAS, on February 1, 2021, by adoption of Resolution 2021-49 the Green Township Committee, County of Sussex, State of New Jersey, awarded ADS Contractors, LLC, a Change Order for a decrease of \$489.25, and a new total contract price of \$113,325.91.

WHEREAS, in the Township Engineer's letter dated January 18, 2021, Cory Stoner recommends the Acceptance of said project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, that it hereby concurs with the Township Engineer's recommendation and accepts the drainage improvements to Forest Road.

Dated: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CMFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

**RESOLUTION 2021-51
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

RELEASE OF BOND / ESCROW

WHEREAS, the attached request has been received for the release of a bond / escrow;

WHEREAS, the application mentioned below has proceeded according to approvals granted;
and,

WHEREAS, this office has obtained notices from the appropriate Township Officials (attached), authorizing the release of the bond / escrow account listed below.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, that it is hereby authorized to refund said escrow / bond fund:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME AND ACCOUNT #</u>	<u>AMOUNT</u>
47	19	Gary Shamy 13 Willow Terrace Andover, NJ DW#1804 - 14-288-70-1804-00 SE#1805 - 14-288-30-1805-00	 \$332.49 \$347.82

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Kim Mantz, Land Use Board Secretary
Linda Padula, CMFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

RESOLUTION 2021-52
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

BILLS LIST (01/15/2021 to 01/28/2021)

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that the List of Bills dated from 01/15/2021 to 01/28/2021 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a regular meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling			√			
Mr. Qarmout		√	√			
Mrs. Raffay	√		√			
Mrs. Phillips			√			

List of Bills - CLEARING ACCOUNT (FUND 01 02 04 12 19)

Meeting Date: 02/01/2021 For bills from 01/15/2021 to 01/28/2021

17

Check#	Vendor	Description	Payment	Check Total
10169	2069 - ADS Contractors LLC	PO 14740 Drainage Imp to Forest Rd	24,997.79	24,997.79
10170	1940 - Amazon	PO 14924 Back up tapes HP 500GB	311.46	311.46
10171	1908 - Brady & Correale, LLP	PO 14927 Legal Services - Land Use Board	183.75	183.75
10172	236 - Cahills Farm	PO 14810 Opening & Closing of Park Gates	491.66	491.66
10173	1980 - Campbell Foundry Company	PO 14197 Lk Tranquility Rds - Faceplates	3,800.00	3,800.00
10174	65 - County of Sussex - Treasury	PO 14923 2020 County Open Space Tax	2,621.07	2,621.07
10175	62 - County of Sussex - Treasury	PO 14921 2021 County Purpose Tax	636,761.07	636,761.07
10176	64 - County of Sussex - Treasury	PO 14922 2021 County Library Tax	45,708.28	45,708.28
10177	1380 - Garden State Labs Inc.	PO 14901 Water Test MB	60.00	60.00
10178	2046 - General Code, LLC	PO 14718 2020 Codification Services	637.45	637.45
10179	528 - Griffith-Allied Trucking LLC	PO 14904 Diesel Fuel Delivery	743.17	743.17
10180	190 - JCP&L	PO 14912 Street Lighting	38.72	
		PO 14915 Airport Electric Bill 2021	6.45	45.17
10181	1632 - Laddey, Clark & Ryan LLP	PO 14902 Legal Service December 2020	3,792.00	3,792.00
10182	2054 - LogMein USA Inc.	PO 14650 GoToMeeting Service	576.00	576.00
10183	45 - Municipal Clerks' Assoc of NJ Inc.	PO 14909 Conference for Patty DeClesis	125.00	125.00
10184	103 - Municipal Software, Inc.	PO 14822 2021 Maintenance Agreement Finance & Net	6,356.00	
		PO 14826 2021 Maintenance Agreement Finance & Net	2,400.00	8,756.00
10185	1960 - Navitend	PO 14816 2021 Agreement Office 365	820.00	820.00
10186	41 - NJ Planning Officials	PO 14829 Membership Dues 2021	325.00	
		PO 14832 Training Class for J. Kobinski	121.00	446.00
10187	1579 - Orange Carpet	PO 14670 Municipal Building - Basement	3,436.00	3,436.00
10188	1892 - PenTeleData	PO 14908 Internet Service for MB	170.90	170.90
10189	418 - R & L Data Centers	PO 14540 Payroll Services 2020	361.89	361.89
10190	1918 - SCEDEP, Inc.	PO 14823 SCEDEP Investor	200.00	200.00
10191	1152 - Statewide Insurance Fund	PO 14913 Workers Comp/All Lines Insurance	30,472.63	30,472.63
10192	624 - Suburban Propane	PO 14454 Propane Delivery MB	1,524.38	
		PO 14852 Propane Delivery DPW 2021	854.63	2,379.01
10193	114 - Sussex County MUA	PO 14498 Municipal/Household Waste	5,654.40	
		PO 14903 Municipal/Household Waste	5,466.24	11,120.64
10194	182 - T.A. Mountford Inc.	PO 14910 Color Toner	315.00	315.00
10195	604 - TAB Microfilm Services, Inc.	PO 14814 Record Storage 2021	9.14	9.14
10196	1703 - Town of Newton	PO 14919 Municipal Court - Shared Services	11,500.00	11,500.00
10197	1271 - Township of Randolph	PO 14830 Membership Dues 2021	1,100.00	1,100.00
10198	34 - Verizon	PO 14914 January Phone Bill 2021	972.47	972.47
10199	29 - Verizon Wireless	PO 14911 DPW Cell Phone Service	250.69	250.69
10200	1236 - W.W.Grainger Inc.	PO 14907 Supplies	482.32	482.32

TOTAL

793,646.56

Total to be paid from Fund 01 CURRENT FUND

793,646.56

793,646.56

Checks Previously Disbursed

9999	Payroll Account	1/29/2021	36,149.42	1/27/2021
10168	US Postal Service	PO# 14926 Newsletter - Postage	331.16	1/26/2021
10167	US Postal Service	PO# 14831 Permit #509 Renewal Bulk Mailing 2	5.00	1/22/2021
			36,485.58	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	36,485.58	793,646.56	830,132.14
BILLS LIST TOTALS	36,485.58	793,646.56	830,132.14

**RESOLUTION 2021-53
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

DEVELOPERS ESCROW TRUST (01/13/2021 to 02/10/2021)

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that the List of Bills for the Developers Escrow Trust dated from 01/13/2021 to 02/10/2021 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

**List of Bills - (1410101002) CASH - Developers Escrow-SB One Bank
DEVELOPERS ESCROW TRUST**

Meeting Date: 02/17/2021 For bills from 01/13/2021 to 02/10/2021

Check#	Vendor	Description	Payment	Check Total
7473	1908 - Brady & Correale, LLP	PO 14931 PB1208 Ridge Rock LLC	112.50	112.50
7474	1461 - Brian Shamy	PO 14929 LU1614 - Release of Escrow	70.03	70.03
7475	1937 - Harold E. Pellow & Associates, Inc.	PO 14943 SE2006 Diaz	195.00	
		PO 14944 LU1808 Airside, Inc.	65.00	
		PO 14945 SE2003 Antonucci	167.50	
		PO 14946 SE1807 Airside, Inc.	209.38	
		PO 14947 SE1703 Ruch	297.50	
		PO 14948 BOA8313 Salerno	166.20	1,100.58
7476	1678 - Shamy, Gary	PO 14930 DW1804 & SE1805 Release of Escrow	680.31	680.31
TOTAL				1,963.42
Total to be paid from Fund 14 DEVELOPERS ESCROW TRUST		1,963.42		
		=====		
		1,963.42		

**RESOLUTION 2021-54
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

RELEASE OF BOND / ESCROW

WHEREAS, the attached request has been received for the release of a bond / escrow;

WHEREAS, the application mentioned below has proceeded according to approvals granted;
and,

WHEREAS, this office has obtained notices from the appropriate Township Officials (attached), authorizing the release of the bond / escrow account listed below.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, that it is hereby authorized to refund said escrow / bond fund:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME AND ACCOUNT #</u>	<u>AMOUNT</u>
47	19	Brian Shamy 8 Rosemarie Lane Andover, NJ LU#1614 - 14-288-95-1614-00	\$70.03

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Kim Mantz, Land Use Board Secretary
Linda Padula, CMFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling				√		
Mr. Qarmout		√		√		
Mrs. Raffay	√			√		
Mrs. Phillips				√		

RESOLUTION 2021-55
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

BILLS LIST (01/29/2021 to 02/10/2021)

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that the List of Bills dated from 01/29/2021 to 02/10/2021 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a regular meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mrs. Phillips			√			

List of Bills - CLEARING ACCOUNT (FUND 01 02 04 12 19)

Meeting Date: 02/17/2021 For bills from 01/29/2021 to 02/10/2021

Check#	Vendor	Description	Payment	Check Total
10207	2075 - Be Secure Alarms LLC	PO 14374 Security Camera- Municipal Building	4,659.00	4,659.00
10208	1671 - Cit-e-Net, LLC	PO 14905 Website Subscripitiion	1,500.00	1,500.00
10209	120 - Harold E. Pellow & Associates, Inc.	PO 14566 Municipal Engineering Services	1,825.05	
		PO 14761 Forest Rd Drainage Improvements	1,429.66	3,254.71
10210	557 - MicroSystems-NJ.com, L.L.C.	PO 14812 2021 Notice of Assessments	941.24	941.24
10211	98 - NJ-Dept of Health and Senior Svs	PO 14951 Dog License fees	517.80	517.80
10212	50 - NJAPZA	PO 14949 2021 Membership dues - Kim Mantz	100.00	100.00
10213	2047 - Quadient Leasing USA, Inc.	PO 14941 Lease for Postage Machine 2021	231.00	231.00
10214	418 - R & L Data Centers	PO 14906 Payroll Service 2021	600.67	600.67
10215	123 - Staples Advantage	PO 14819 January Supplies 2021	468.92	468.92
10216	114 - Sussex County MUA	PO 14903 Municipal/Household Waste	4,819.20	4,819.20
10217	71 - Tax Collector/Treasurers Assoc NJ	PO 14934 Membership Dues-Ferrone/Padula	200.00	200.00
10218	76 - Tomar Industries, Inc.	PO 14932 Janitorial Supplies	279.50	279.50
10219	2078 - UniFirst Corporation	PO 14815 Uniform Rental	236.84	236.84
TOTAL				17,808.88

Total to be paid from Fund 01 CURRENT FUND

17,291.08

Total to be paid from Fund 12 ANIMAL FUND

517.80

17,808.88

Checks Previously Disbursed

10206	Verizon Wireless	PO# 14911	DPW Cell Phone Service 2021	248.28	2/09/2021
10205	Verizon Wireless	PO# 14952	Modem-OEM 2021	38.05	2/09/2021
10204	PenTeleData	PO# 14908	Internet Service for MB 2021	170.90	2/09/2021
10203	JCP&L	PO# 14940	Januray Electric Bill 2021	959.01	2/04/2021
10202	Green Twp Board of Education	PO# 14809	School Tax	820,639.42	2/04/2021
10201	AT&T	PO# 14939	Long Distance 2021	87.03	2/04/2021
9999	Green Township	PO# 14938	Flexable Spending Acct - Jan-Dec 2	600.00	2/03/2021
				822,742.69	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	822,742.69	17,291.08	840,033.77
Fund 12 ANIMAL FUND		517.80	517.80
BILLS LIST TOTALS	822,742.69	17,808.88	840,551.57

ORDINANCE NO. 2021-03

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE AMENDING CHAPTER 30 LAND USE REGULATIONS
OF THE TOWNSHIP OF GREEN CODE**

Purpose Statement: The purpose of this ordinance is to amend the existing Stormwater Control Ordinance to address the New Jersey Department of Environmental Protection's adopted amendments to the New Jersey Stormwater Management Rules at N.J.A.C. 7:8.

WHEREAS, All New Jersey municipalities were required to prepare Stormwater Management Plans and adopt a Stormwater Control Ordinance in order to comply with the New Jersey Stormwater Management Rules at N.J.A.C. 7:8; and

WHEREAS, the New Jersey Department of Environmental Protection proposed amendments to the Stormwater Management Rules at N.J.A.C. 7:8. which were adopted on October 25, 2019 with an effective date of March 2, 2020; and

WHEREAS, the proposed amended Stormwater Management Rules require all New Jersey municipalities to revise their Stormwater Control Ordinance to include the amendments by March 2, 2021; and

WHEREAS, The Green Township Engineer has proposed amendments to § 30-17.1A Stormwater Control of the Township Code based on the required rule change; and

WHEREAS, the Mayor and Committee of the Township of Green hereby accept the recommendation of the Green Township Engineer to adopt amendments to § 30-17.1A Stormwater Control of the Township Code in accordance with the requirements of the within Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Green, County of Sussex, State of New Jersey, that:

SECTION 1. § 30-17.1A. Is removed in its entirety and replaced with the following:

a. Scope and Purpose.

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

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

2. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined in b. below.
 3. Applicability.
 - (a) This ordinance shall be applicable to the following major developments:
 - (1) Non-residential major developments; and
 - (2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (b) This ordinance shall also be applicable to all major developments undertaken by Green Township.
 4. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this subsection are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This subsection is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this subsection imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.
- b. Definitions. For the purpose of this subsection, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

COMMUNITY BASIN

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

COMPACTION

Shall mean the increase in soil bulk density.

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ
CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

Shall mean an agency designated by the Sussex County Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

DEPARTMENT

Shall mean the Department of Environmental Protection.

DESIGNATED CENTER

Shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER

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

DEVELOPMENT

Shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

DISTURBANCE

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

DRAINAGE AREA

Shall mean a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

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

EROSION

Shall mean the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE

Shall mean a stormwater management measure that manages stormwater close to its source by:

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

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ
HUC 14 OR HYDROLOGIC UNIT CODE 14

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

IMPERVIOUS SURFACE

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

INFILTRATION

Shall mean the process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

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

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

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

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

Shall mean any city, borough, town, township, or village.

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

Shall mean the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with subsection d6 of this section and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

Shall mean an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT

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

PERSON

Shall mean any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

POLLUTANT

Shall mean 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,

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ
ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant"
includes both hazardous and nonhazardous pollutants.

RECHARGE

Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE

Shall mean any of the following, alone or in combination:

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

REGULATED MOTOR VEHICLE SURFACE

Shall mean any of the following, alone or in combination:

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

SEDIMENT

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

SITE

Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL

Shall mean all unconsolidated mineral and organic material of any origin.

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ
STATE PLAN POLICY MAP

Shall be defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT MEASURE

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

STORMWATER RUNOFF

Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY

Shall mean a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

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

WATER CONTROL STRUCTURE

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

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ
WATERS OF THE STATE

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

WETLANDS OR WETLAND

Shall mean 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.

c. General Standards.

1. Design and Performance Standards for Stormwater Management Measures.

- (a) Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- (b) The standards in this subsection apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.
- (c) For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this paragraph except to the extent the RSIS are superseded by this paragraph or alternative standards applicable under a regional stormwater management plan or quality management plan adopted in accordance with Department rules.

d. Stormwater Management Requirements for Major Development.

- 1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection j.

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of subsections d16, d17, and d18:
 - (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
4. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of subsections d15, d16, d17, and d18 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of subsections d15, d16, d17, and d18 to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of subsections d15, d16, d17, and d18, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under d4(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections d15, d16, d17, and d18 that were not achievable onsite.
5. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in subsections d15, d16,

ORDINANCE NO. 2021-03

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

d17, and d18. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

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

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

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Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at subsection d15(b);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at subsection b;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at subsection b.

7. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with subsection d2. Alternative stormwater management measures may be used to satisfy the requirements at subsection d15 only if the measures meet the definition of green infrastructure at subsection b. Alternative stormwater management measures that

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function in a similar manner to a BMP listed at subsection d15(b) are subject to the contributory drainage area limitation specified at subsection d15(b) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at subsection d15(b) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with subsection d4 is granted from subsection d15.

8. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
9. Design standards for stormwater management measures are as follows:
 - (a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of subsection h3;
 - (c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at subsection h; and
 - (e) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
10. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for

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Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at subsection b may be used only under the circumstances described at subsection d15(d).

11. Any application for a new agricultural development that meets the definition of major development at subsection b shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at subsections d15, d16, d17, and d18 and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at subsections d16, d17, and d18 shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Sussex County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at subsections d15, d16, d17, and d18 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to subsection j2(e). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
14. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to subsection d of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Sussex County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with d13 above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with d13 above.

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15. Green Infrastructure Standards.

- (a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (b) To satisfy the groundwater recharge and stormwater runoff quality standards at subsections d16 and d17, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at subsection d6 and/or an alternative stormwater management measure approved in accordance with subsection d7. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

- (c) To satisfy the stormwater runoff quantity standards at subsection d18, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with subsection d7.
- (d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with subsection d4 is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with subsection d7 may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at subsections d16, d17, and d18.
- (e) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at subsections d16, d17, and d18, unless the project is granted a waiver from strict compliance in accordance with subsection d4.

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16. Groundwater Recharge Standards.

- (a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection e, either:
 - (1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- (c) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (d) below.
- (d) The following types of stormwater shall not be recharged:
 - (1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (2) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

17. Stormwater Runoff Quality Standards.

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

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

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Table 4 - Water Quality Design Storm Distribution

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

- (e) 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:

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

Where

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

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

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

- (f) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in subsections d16, d17, and d18.
 - (g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 - (h) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 - (i) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 - (j) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
18. Stormwater Runoff Quantity Standards.
- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 - (b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at subsection e, complete one of the following:
 - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

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- (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (b)(1), (b)(2), and (b)(3) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

e. Calculation of Stormwater Runoff and Groundwater Recharge.

- 1. Stormwater runoff shall be calculated in accordance with the following:
 - (a) The design engineer shall calculate runoff using one of the following methods:
 - (1) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

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

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

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

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

- (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at subsection e1(a)(1) and the Rational and Modified Rational Methods at subsection e1(a)(2). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (c) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
- (e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

f. Sources for Technical Guidance.

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

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

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

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

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

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

g. Solids and Floatable Materials Control Standards.

- 1. Site design features identified under subsection d6 above, or alternative designs in accordance with subsection d7 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection g1(b) below.
 - (a) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

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- (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

- (b) The standard in 1(a) above does not apply:

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

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

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

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

- (4) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (5) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

undertaking that constitutes an encroachment or will damage or
destroy the New Jersey Register listed historic property.

h. Safety Standards for Stormwater Management Basins.

1. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
2. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in subsection h3 for trash racks, overflow grates, and escape provisions at outlet structures.
3. Requirements for Trash Racks, Overflow Grates and Escape Provisions.
 - (a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (1) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (3) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (4) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - (b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
 - (2) The overflow grate spacing shall be no less than two inches across the smallest dimension; and
 - (3) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - (c) Stormwater management BMPs shall include escape provisions as follows:

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

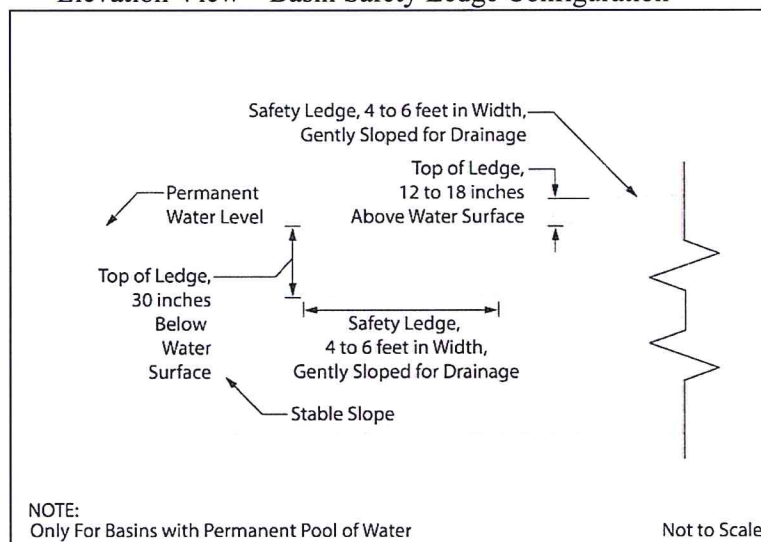
- (1) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to subsection h3, a free-standing outlet structure may be exempted from this requirement;
- (2) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See subsection h5 for an illustration of safety ledges in a stormwater management BMP; and
- (3) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

4. Variance or Exemption from Safety Standard.

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

5. Safety Ledge Illustration.

Elevation View – Basin Safety Ledge Configuration



i. Requirements for a Site Development Stormwater Plan.

1. Submission of Site Development Stormwater Plan

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

- (a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection i3 below as part of the submission of the application for approval.
 - (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
 - (c) The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection i3 of this ordinance.
2. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.
3. Submission of Site Development Stormwater Plan. The following information shall be required:
- (a) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
 - (b) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
 - (c) Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

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- (d) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of subsections c through 3 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (e) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (1) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (2) 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.
- (f) Calculations.
 - (1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in subsection d of this ordinance.
 - (2) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (g) Maintenance and Repair Plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection j.
- (h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in subsection i3(a) through i3(f) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

j. Maintenance and Repair.

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1. Applicability.

Projects subject to review as in subsection a3 of this ordinance shall comply with the requirements of subsection j2 and j3.

2. General Maintenance.

- (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (c) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (d) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (e) If the party responsible for maintenance identified under subsection j2(c) above is not a public agency, the maintenance plan and any future revisions based on subsection j2(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (f) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (g) The party responsible for maintenance identified under subsection j2(c) above shall perform all of the following requirements:
 - (1) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures

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incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

- (2) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (3) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsection j2(f) and j2(g) above.
- (h) The requirements of subsection j2(c) and (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

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

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

- k. Penalties. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: Not to exceed \$3,000.00 and/or 20 days in jail.

SECTION 2. SEVERABILITY.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect from and after final adoption and publication as required by law.

ORDINANCE NO. 2021-03
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on February 17, 2021, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____.

ATTEST

TOWNSHIP OF GREEN

Mark Zschack, RMC, Township Clerk

Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: February 17, 2021

ADVERTISED: February 21, 2021

ADOPTED:

ADVERTISED:

ORDINANCE NO. 2021-04

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE
OF REAL PROPERTY**

WHEREAS, the Township of Green is the owner of certain real property set forth in Schedule "A", which properties are not needed or required for municipal use; and

WHEREAS, the Township Committee deems it in the best interest of the Township of Green to sell the properties at public auction, in accordance with the provisions of N.J.S.A. 40A:12-13, et seq.; and

WHEREAS, the Township Committee on January 20, 2021 introduced Ordinance 2021-02 that included a flaw in the legal notice; and

WHEREAS, the sale shall be conducted as an auction to the highest bidder, after advertisement, with such auction to be held at the Township of Green Municipal Building, 150 Kennedy Road, Tranquility, New Jersey 07879 on March 15, 2021, at 7:00 pm or such adjourned date as may be determined by the Green Township Committee; and

NOW, THEREFORE, BE IT ORDAINED by the Green Township Committee as follows:

1. The introduction of Ordinance 2021-02 on January 20, 2021 is hereby rescinded.
2. The Township of Green shall offer for sale by auction, pursuant to the provisions of N.J.S.A. 40A:12-13(a), et seq., the properties listed on Schedule "A". Schedule "A" also contains the minimum sale price for each property. If sold to a contiguous property owner, the sale is conditioned upon the property being sold merging with the contiguous property owner's existing property. The properties being sold are without any improvements and the sale is conditioned upon no further subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. A deed restriction is required, prohibiting any structures and/or improvements on the property. The Township Committee reserves the right, in its discretion to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.
3. Upon final passage of this Ordinance, the sale shall take place on March 15, 2021 at 7:00 pm at the Green Township Municipal Building, 150 Kennedy Road, Tranquility, New Jersey 07879, after offering same to the highest bidder, at said time and place.
4. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Green Township Municipal Building. Notice of adoption of this Ordinance shall be made in the official Township newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Township of Green newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

ORDINANCE NO. 2021-04
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

5. The property shall be sold subject to the following terms and conditions:

(a) The property is sold "as is". No representations of any kind are made by the Township as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present "as is", "where is", with all faults.

(b) The sale shall be made after legal advertisement of this Ordinance to the highest bidder, which if sold to a contiguous property owner, such property shall merge with the property being sold, and become part of the contiguous property owned by the successful bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Green be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The highest bidder shall deposit with the Township cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township of Green will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$350.00 for the legal services incurred by the Township; (2) the Township of Green's advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); (3) all costs and expenses for the sale including, but not limited to, the appraisal costs incurred by the Township; and (4) realty transfer fees, if any. The balance shall be paid by certified funds. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Township Attorney and, after execution by the Township Officials, shall be recorded with the Sussex County Clerk's Office by the Township Attorney. Additional work performed by the Township Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Township Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

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(g) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Green and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

(h) The property will be sold subject to the current year taxes, prorated from the date of sale.

(i) The Township Committee reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(j) All bidders currently owing property within the Township must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(k) This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Township of Green.

(m) No employee, agent or officer of the Township of Green has any authority to waive, modify or amend any of the conditions of sale.

(n) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(o) The failure of the purchaser to close on title within sixty (60) days of the Township award of the bid shall constitute a breach of this Ordinance unless the Township agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within 60 days or such date as may be extended by the Township, the deposit paid by the purchaser shall be retained by the Township as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit.

(p) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

(q) The sale shall be subject to final approval by the Township Committee.

ORDINANCE NO. 2021-04
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

(r) The deeded conveyance shall contain a restriction that there shall be no subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. The successful bidder, if a contiguous property owner, shall provide a copy of their existing property Deed to the Municipal Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

Potential Bidders are advised:

- (1) To conduct all necessary title searches prior to the date of sale.
- (2) No representations of any kind are made by the Township of Green as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".
- (3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
- (4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Township of Green, the Township of Green shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Township of Green not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

- (1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- (2) That the failure to close title as agreed shall forfeit to the Township of Green any and all money deposited with the Township.

5. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

6. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ORDINANCE NO. 2021-04
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

This Ordinance shall take effect upon final adoption of publication as may be required by law.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on February 1, 2021, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____, 2021.

ATTEST

TOWNSHIP OF GREEN

Mark Zschack, RMC, Township Clerk

Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: February 17, 2021
PUBLIC HEARING:

ADVERTISED:
ADVERTISED:

ORDINANCE NO. 2021-04
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

SCHEDULE A

	<u>Tax Block</u>	<u>Lot</u>	<u>Location</u>	<u>Lot Size (acres)</u>	<u>Minimum Sale Price</u>
1.	56	17	72 Forest Road	2.750	
	56	15	76 Forest Road	0.229	\$20,000.00

Not Introduced

ORDINANCE NO. 2021-06
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**FULLY FUNDED CAPITAL ORDINANCE TO PROVIDE FUNDING FOR THE
PURCHASE OF ONE FREIGHTLINER 108SD CONVENTIONAL
CHASSIS & MARK-E DUMP BODY TRUCK AND EQUIPMENT
AND
APPROPRIATING THE SUM OF
\$162,000.00 FROM THE CAPITAL IMPROVEMENT FUND AND \$19,000.00 FROM
THE GENERAL CAPITAL RESERVE "PURCHASE OF DPW TRUCK"
FOR SAID PURCHASE**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Green, County of Sussex, State of New Jersey, (not less than 2/3 of all members thereof affirmatively concurring) as follows:

SECTION 1. The Township Committee of the Township of Green hereby authorizes the following improvement:

- a. The Township Committee of the Township of Green hereby authorizes the purchase of a new Freightliner 108SD Conventional Chassis from Robert H. Hoover & Sons, 149 Gold Mine Road Flanders, New Jersey, 07836 in the amount, not to exceed, \$102,000.00. Said purchase is authorized utilizing the Sussex County Cooperative.
- b. The Township Committee of the Township of Green hereby authorizes the purchase of a new Mark-E SA Dump Body from Henderson Products, Inc., 94 North Dell Avenue Kenvil, New Jersey, 07847 in the amount, not to exceed, \$79,000.00. Said purchase is authorized utilizing the Sourcewell Cooperative Contract 080818-HPI.

The Township Committee appropriates the sum of \$162,000.00 from the Township's Capital Improvement Fund and \$19,000.00 from the Township's General Capital Reserve "Purchase of DPW Truck" for said acquisition.

The useful life of this equipment is at least five (5) years. No Supplemental Debt Statement is required since there is no authorization of any debt within this Capital Ordinance. The gross debt of the Municipality as defined by law is not increased by this ordinance, and no obligation in the matter of bonds or notes are authorized by this ordinance.

SECTION 2. This Capital Ordinance shall take effect immediately after publication following the final adoption as provided by law.

ORDINANCE NO. 2021-06
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on February 17, 2021, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____.

ATTEST:

TOWNSHIP OF GREEN
IN THE COUNTY OF SUSSEX

Mark Zschack, Township Clerk

Margaret "Peg" Phillips, Mayor

cc: Linda Padula, CFO

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mrs. Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: February 17, 2021

ADOPTED:

ADVERTISED: February 19, 2021

ADVERTISED:

RESOLUTION ES 2021-02
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (N.J.S.A. 10:13-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, N.J.S.A. 10:4-13 requires the adoption of a resolution prior to the Township Committee going into Closed Session stating the general nature of the subject matter to be discussed and generally the time and circumstances under which the discussion conducted in Closed Session can be disclosed to the public;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green, County of Sussex, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon and hereinafter specified subject matter(s)
2. The general nature of the subject matter(s) to be discussed is as follows:

☒ Personnel ☐ Contract Negotiation ☐ Real Property
☐ Public Safety ☒ Litigation/Potential Litigation ☐ Attorney-Client
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

Dated: February 17, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting held on February 17, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling		√	√			
Mr. Qarmout	√		√			
Mrs. Raffay			√			
Mrs. Phillips			√			