

Minutes
REGULAR MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
Monday, April 23, 2007 at 7:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER BY MAYOR DIDONATO at 7:00 am

ROLL CALL

Mayor DiDonato - P
Councilpersons:
Bertino - P
Colasurdo - P
Marino - P
Massarelli - P
Vitalo - P
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor
Bob Vettese, Town Engineer

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

This meeting has been posted on the Town Hall bulletin board reserved for such notices and mailed to two newspapers pursuant to law. Please familiarize yourselves with the fire exit drawing to the rear of the Council Chambers. Also, there is to be no smoking in the Town Hall at any time.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Motion by Councilperson Marino, seconded by Councilperson Vitalo, the minutes of the Special Meeting of April 4, 2007 be approved as recorded by the Clerk. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Kessler Memorial Hospital

Mr. Robert Bucknam, new member of Kessler Hospital Board, was present to advise on the financial status Kessler Hospital. He advised Kessler filed for protection under bankruptcy code (Chapter 11). They formed reorganization committee to research and interview professionals to ascertain how hospital arrived at current financial situation. They found that one problem was with their current practice of billing (accounts receivable). They've also hired a new CFO who has determined how to make specific areas of the hospital turn a profit. The other problem was that various capital improvements that are required to keep Kessler Hospital up to date with other hospitals. He thanked Mayor and Council and members of community for stepping up to support Kessler Hospital.

Steven DiDonato – Building Committee Report

Mr. Steven DiDonato updated Mayor and Council on the progress of the refurbishing of the Historic Building.

Quotes – Landscaping Historic Building

James Fedga Lawn Care	\$ 600.00
BC Lawn & Landscaping	\$1,875.00

Motion by Councilperson Vitalo, seconded by Councilperson Wuillermin, authorize purchase order to James Fedga in the amount of \$600.00 to perform landscaping at Historic Building site.

On the question: Councilperson Bertino once again questioned Solicitor if he has ascertained an answer concerning the proper funding of this project?

Solicitor advised he has not, but he would be attending a meeting later in the week concerning same.

ROLL CALL

Councilpersons:
Bertino - Abstain
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y

Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

ORDINANCES FOR HEARING AND ADOPTION

Ordinance 6-2007 Accumulated Sick Leave Upon Retirement

Ordinance 6-2007 entitled "ORDINANCE AMENDING CHAPTER 48-9 OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "ACCUMULATED SICK LEAVE UPON RETIREMENT" was read by title only.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, the ordinance be taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, the hearing be closed, the ordinance be adopted and the Clerk advertise same per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance 7-2007 Bond Ordinance Central Avenue

Ordinance 7-2007 entitled "BOND ORDINANCE PROVIDING FOR THE SURVEY DESIGN AND PERMITTING SERVICES FOR THE RECONSTRUCTION OF CENTRAL AVENUE IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$92,700 AND AUTHORIZING THE ISSUANCE OF \$92,700 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF," was read by title only.

Motion by Councilperson Colasurdo , seconded by Councilperson Vitalo, the ordinance be taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Colasurdo, seconded by Councilperson Bertino, the hearing be closed, the ordinance be adopted and the Clerk advertise same per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance 8-2007 Amend Chapter 134-6 to include Civil Union

Ordinance 8-2007 entitled "AN ORDINANCE AMENDING CHAPTER 134-6 OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "RATE SCHEDULE" was read by title only.

Motion by Councilperson Vitalo, seconded by Councilperson Bertino, the ordinance be taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, the hearing be closed, the ordinance be adopted and the Clerk advertise same per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

RESUME REGULAR ORDER OF BUSINESS

COMMITTEE REPORTS

Councilperson Colasurdo Report
Report on DARE vehicle donation

Councilperson Massarelli Report
Update on State Building negotiations

Councilperson Wuillermin Report
Advised his report can be taken up under Engineer Report
Reported on emergency repairs made to sewer main on Bellevue Avenue

Councilperson Marino Report
Reported on Drainage problems during heavy rains
Asked for patience with Highway Department tree trimming due to multiple requests for same

Request advertise for Mechanic position at Highway Department

Motion by Councilperson Marino, seconded by Councilperson Colasurdo, authorize Clerk to advertise for the replacement of the Mechanic Position at Highway Department. Motion carried.

Councilperson Bertino Report
Report on Board of Education Meeting
Report on upcoming events at school
Report school budget was approved by the voters

Councilperson Vitalo Report
Reported on Environmental Commission meeting
Expressed thanks to all boards which he has served on and commended those serving on same
Reported on Hammonton Family Community Center services
Reported on Parks Commission and upcoming 4th of July Festival

Request Approval 8 hours comp time Lou Rodio for Triathlon

Motion by Councilperson Vitalo, seconded by Councilperson Marino, authorize 8 hours comp time for Lou Rodio to work Triathlon event.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Authorize Purchase Order to KIP Electric

Motion by Councilperson Vitalo, seconded by Councilperson Marino, authorize a purchase order to KIP Electric in the amount of \$598.00 and redirect prior purchase order approval for Venus and Mars \$1235.00 to Ord 15-05.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Authorize 4th of July Festival on July 1st

Motion by Councilperson Vitalo, seconded by Councilperson Marino, authorize 4th of July Festival to be held on July 1, 2007 in conjunction with this years Red, White and Blueberry Festival pending funding. Motion carried.

Lake Water Quality Report – Paul Galletta, Chair

Mr. Galletta advised that he formed and also chairs the Lake Water Quality Committee. Monthly meetings are held at Hammonton Lake office and are attended by multiple citizens concerned about the lake. Mr. Galletta is also Vice Chair to Hammonton Parks and Recreation Commission. He once again advised and updated Council on lake quality including the finding of the bladder wart. He advised the committee was able to secure funding and have a vendor to perform work to eliminate bladder wart. They have also educated homeowners along the waterfront on upkeep techniques to assure a clean lake. They had a community service day where children cleaned up around the lake. The boat ramp was repaired at no cost to town. Environmental thermography seepage survey recommended by Dr. Hozik was performed and by performing same they were able to identify 3 points of pollution that they can remedy. This was also done at no cost to the Town. Clean Flow is underway. Looking into stocking lake with bass for fishing. Looking into forming committee to aid Lance Schiernbeck, Road Superintendent, in stormwater drainage upkeep. He requested the hiring of a recording secretary for Lake Water Quality Committee so that they may conduct public meetings and encourage opinion and interest.

Councilperson Vitalo stated the hiring of a recording secretary will not affect the 2007 budget.

Mr. Charles Craig advised our lake is sick and we are the doctors of the lake. He mentioned the names of those who have worked to upkeep and repair the lake and made a point that it is necessary to have several citizens working toward the lake. He advised on courses concerning lake management that appointed officials can take. He stressed the importance of the Hammonton Lake to our community.

ENGINEER REPORT

SEWER & WATER - ACTION ITEMS

1. Well #7 Change Order #1 (11-30131):

A contract was awarded to JPS Contracting on February 27, 2006. The primary objective of this project was to replace a well that dates back to the early 1920's. The Town has been operating with two wells at the Lincoln street complex for many years without significant upgrades. The project was to provide a reliable water supply source to the customers of the Town's water system.

Permission was granted by the NJDEP to drill a replacement well at a depth of approximately 310 feet. This well is known as Well #7 and was proposed to replace one of the existing wells. Therefore, at the end of the project the Town would have a 1,000 gpm well to replace an antiquated 850 gpm well.

Subsequent to the award of this project, SJ Gas Company, who is responsible for the historic operation of a coal to natural gas manufacturing facility, approached the Town about their concerns with the proposed location of the replacement Well #7. The location of Well #7 approximated the area which served as the headworks facility for the coal to natural gas operation and its related piping network on the site.

Approval by the NJDEP Bureau of Safe Drinking Water and Bureau of Water Allocation was required and obtained. The case manager assigned to this site were involved in the approval of drilling the well to the depth of 310 feet was also involved in the approval of the South Jersey Gas Company remediation effort. At no time was there concern about the adequacy and safety of the aquifer since the Town has been withdrawing water from the wells on this complex for over 80 years. It is emphasized that there was no concern with the quality of water to be drawn from the aquifer from which Well #7 was proposed to be drilled. The original area proposed for Well #7 was in the portion of the site where it was learned the headworks and the potential yard piping exists. In order to avoid any conflicts with the potential yard piping configuration, it was deemed most prudent to relocate the wellhead.

SJ Gas agreed to assist the Town financially. They were willing to do so since both entities were working together to place the proposed facility in such an area that would avoid future complications. Once SJ Gas ultimately obtains NJDEP approval to remediate the remnants of the historic use of the site, the elimination of a well from the proposed drilling location also eliminates any on-site obstacle from preventing a more facilitative site remediation process.

Since the time of Contract award to JPS, the Town and SJ Gas have been involved in lengthy negotiations in effort to foster both entities' future goals and objectives. Through a Memorandum of Understanding, the Town and SJ Gas have mutually agreed that the installation of a new well, given all factors, is better suited off the Lincoln Street property. In so doing the JPS contract for Well #7 has essentially been switched to a different site. The contents of the Well #7 contract will remain in tact with slight modification to address the different site location. JPS Contractors have presented a cost of \$676,000.00 to construct the Well #7 project at the Well #5 site (Fourteenth Street) as opposed to the original contract of \$671,000.00 for the construction Lincoln Street complex. In addition to the Well #7 construction the contractor has agreed to complete the structural and ancillary repairs included in the contract when the work was slated for the Lincoln Street complex. Additionally some elements were added to the scope under the cost listed above. The overall scope of the contract that will comprise Change Order #1 is as follows:

- Construction of Well #7 at the Well #5 site including new building for Well #7, integrating Well #5 & #7 controls, piping, valves and meter.
- Upgrade existing Well #5 increasing pumping capacity with the replacement of pump, column, shaft and motor. Inspect, re-develop and clean Well #5.
- Replace manual transfer switch at Well #5 with an automatic switch
- Complete the following work at the Lincoln Avenue facility:
 - Install new roofs on Well #1, Well #3 and chemical buildings
 - Complete installation of emergency generator and relocation of incoming electric lines
 - Install new lime feed and tablet chlorination equipment
 - Install new flow meter and chart recorder on Well #3
 - Demolition of old well building

The original contract awarded to JPS was \$671,000.00 of which \$68,891.10 was paid to them for the installation of the generator at the Lincoln Street complex. Consequently, the revised contract including the generator at the Lincoln Street site that was previously installed will now be \$739,891.10 which includes the additional work noted above.

Refer to New Business for Resolution authorizing change order.

2. **Boyer Avenue Land Application – Evaluation Services Proposal (07-0182):**

Since the Boyer Avenue Land Application facility became operational, ARH has been retained to perform routine evaluation services as well as NJDEP required testing. The last purchase order on these services was issued in 2005 and has been fully expended, therefore necessitating additional consideration by Council.

The tasks are summarized as follows:

- Task #1: Coordination of events associated with the USGS Study including meetings, presentation of historical records and facilitation of activity for USGS Study team
- Task #2: Periodic reports to Southern Enforcement (required per ACO)
- Task #3: Annual statistical analysis on groundwater mounding (required as a condition of NJDEP Permit)
- Task #4: Groundwater Contour Mapping (required as a condition of NJDEP Permit)
- Task #5: Preliminary Investigation of Drip Irrigation Technology and Permitting Alternatives
- Task #6: General Coordination of Town Consultants and Professionals

The total cost for these services is \$26,550.00 as per the attached proposal dated March 19, 2007. A resolution has been prepared for Council's consideration.

Refer to New Business for resolution authorizing ARH to perform work.

3. **Sanitary Sewer Hook-Up Request Cassetta Property First Road (11-01000):**

Since last meeting where the Mayor and Council approved the hook-up of individual sanitary sewer service to an existing manhole at the Samantha Drive intersection with First Road just east of the 9th Street intersection an additional request dated 4/11/07 for sanitary sewer service was submitted by Mr. & Mrs. Fred Cassetta who reside on South First Road reviewed and agreed with the conditions of hook-up stipulated by the Mayor and Council last meeting in conjunction with a similar request. If deemed satisfactory, we would recommend that Mr. & Mrs. Cassetta of South First Road be included in the agreement presently being drafted by the Town Solicitor.

Motion by Councilperson Bertino, seconded by Councilperson Marino, grant approval of the sanitary sewer service request of Mr. & Mrs. Fred Cassetta of South First Road subject to compliance with the conditions stipulated by Mayor and Council for the Macrie and Effinger's hook up request granted at the 3/26/07 meeting.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

4. 4th Walnut Streets Sanitary Sewer Service (11-20063):

In a cooperative agreement and effort between the Homeowner, Triad Land Development, Sal Jacobs, the Sewer Department and ARH the sanitary sewer service lateral was able to be lowered to accommodate the affected property owner. A \$1,650.00 portion of the connection fee paid by the Homeowner will be paid to Sal Jacobs Plumbing and Heating for his services to assist in lowering the service lateral.

Referred to New Business for resolution.

5. Morano Water Service - Egg Harbor Road (11-50111):

Back in February of this year, there was a request from Mr. Alfred Messina to allow for a water service connection of the existing residential home located at the Weymouth Road/Egg Harbor Road intersections. No official action was taken by Mayor and Council at that time until results were obtained and reviewed related to water analysis of their existing well. We have recently received these laboratory test results of the water which indicate levels of Gross Alpha in excess of State Safe Drinking Water Standards. We have forwarded these results to Mr. Michael Miller of the NJDEP for review and requested verification that hook to the Town's water system could occur. We are waiting for their formal response.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, authorize water service hook up for the dwelling located on Egg Harbor Road, Block 4003, Lot 8 subject to concurrence from the NJDEP requiring hook up and payment of the appropriate connection fee.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

6. Route #54/Packard Streets Emergency Opening (11-01000):

Last week after the NJDOT had completed an emergency repair of a sink hole at the Packard Street/Bellevue Avenue intersection, the Sewer Superintendent conducted a video inspection of the sanitary sewer line extending from the sanitary sewer manhole easterly along Packard Street. The video inspection showed the partial collapse of the sanitary sewer main at this intersection which was possibly the cause for the sink hole. In order to complete the repair work as quickly as possible and in order for the sanitary sewer to function properly, the Sewer Superintendent has requested price quotes from various contractors to complete the emergency repair of the main. To date only one contractor has responded with a price which was Seashore Associated Mechanical Contractors Inc. whose estimate to complete the work was \$7,000.00. Due to the emergent condition, the price quote was reviewed with the Sewer and Water committee for recommendation and action. The emergency repair work was scheduled to be completed on Thursday, April 19, weather permitting

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, authorize Seashore Associated Mechanical Contractors Inc. to complete the emergency repair work for a cost estimate of \$7,000.00

ROLL CALL

Councilpersons:
Bertino - Y

Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

PUBLIC WORKS - ACTION ITEMS

7. **Transportation Enhancements, Bellevue Ave-12th Street Improvements (11-40011):**

Work is progressing along the NW side of Bellevue Avenue. All concrete improvements have been completed between Egg Harbor Road and 2nd Street. The Gas main has been installed between 2nd and Horton Streets with the services scheduled to follow. Demolition is ongoing between Horton and 3rd Streets. Although not directly part of this project, the replacement of the chain link fence adjacent to the railroad line between 12th and Orchard Streets will begin by the time of the Council meeting.

At the request of the Water Superintendent, ARH solicited three price quotes to remove and replace four (4) fire hydrants within the project scope. Unfortunately all 3 quotes received are in excess of the bidding threshold. Therefore, we requested a price from Marandino Concrete (the contractor for the project) and would like to process a change order in the amount of \$26,400 to remove and replace the four (4) fire hydrants as noted. Within the same change order we would like to request expenditure to install two fence gates at the Lincoln Street Water Department Site. We have been quoted a price of \$3,300 for both fence gates. Payment Application #3 appears on this month's bill list for consideration.

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, authorize Change Order # 1 in the amount of \$26,400.00 to Marandino Concrete company. *No additional Purchase Order is necessary for this work.*

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, authorize Change Order #1 to Marandino Concrete in the amount of \$3300.00 for fencing placement at Water Department which does not require additional funding.

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

SEWER & WATER INFORMATION ITEMS

8. **Well #6 Investigation Hammonton Lake Park (11-30088-08):**

As authorized last Council meeting, we have met with the Water Superintendent and prepared the required specifications to receive price quotes to have a contractor complete the pulling, video inspection and prepare a report of findings and recommendations for existing Well #6 located at the Hammonton Lake Park. The specifications were forwarded to a number of well drilling contractors requesting a response for price quotes. We expect the results of the price quote later this week and will provide a review and recommendation to the Water and Sewer Committee. If possible, we will try to have a recommendation for Council's consideration at Monday's meeting.

9. **Egg Harbor Road Utility Extension Phase II and IIA (11-50111):**

Section V - Design, Construction, and Safety Standards

The Contractor has substantially completed the project with all utility lines in service. Currently Crown Pipeline has minor items to complete such as topsoiling, seeding, irrigation repair and final restoration to the bike path. As we have indicated previously, we are now at a point to address extra work items which the Contractor has claimed throughout the project. We are currently addressing those items with the Contractor and anticipate that all items will be worked out prior to the May meeting. It is expected that with the additional pay items and the assessment of liquidated damages, that a net deduct to the Contract will be realized. Payment Application #6 appears on this month's bill list for consideration.

10. Central Avenue Water Main Extension (11-30130):

The project is substantially complete with all of the residents along the project route tied into the new 12" water main. In addition, the old fire hydrants have been removed along with the existing 4" & 6" lines abandoned and capped to the satisfaction of the Water Superintendent. This was approved at the last meeting of Mayor and Council with the anticipation that the value of the additional work would not exceed the original contract.

We are currently in negotiations with the Contractor for extra work items requested through the course of the project. These include downtime due to unmarked utilities (both Town owned and private), the abandoning and capping of the existing line (approved at the March meeting), as well as a fair value to make the roadway surface rideable until such time as the County's paving project commences. It is our goal that all of these items (Change Orders #1-final) can be compensated and completed under the original contract value of \$1,371,550.01. This would be inclusive of the funds allocated to ARH for Construction Management and Inspection beyond the original contract timeframe. Payment Application #4 appears on this month's bill list for consideration and it is hoped that all change order matters can be concluded at the regular meeting in May. It is anticipated that the restoration work along Central Avenue will be completed within the next week.

11. Water Allocation (11-30088):

Firm Source Calculation

The plan submitted to the NJDEP was deemed Administratively Complete on March 20, 2007 and is currently under review. The reviewer contacted us for clarification on a portion of our specification. We will provide the clarification and it is anticipated that the review will be complete within one week and be placed on the desk of Vince Monaco for execution of the permit.

Major Modification Application:

Plans are in motion to initiate the first step which is to drill the various observation wells and concurrently start on the 72 pump test at the Lincoln Street complex. We are in the process of providing the applicable notification to the affected property owners. The sequence will be to perform the 72 hour pump test first at Lincoln Street, then Well #4 and finally at Well #5. The goal is to complete the process before the peak demands are upon us in the summer months. Once the aquifer testing program is complete a report with its findings will be submitted to the NJDEP for approval as prerequisite for the desired increases in diversion.

Future Well:

We are narrowing down the location to drill the proposed future well. Town owned property is a priority, but other factors are being considered.

12. 1.5 Million Gallon Water Storage Tower (11-30000):

A tank investigation was performed by Mumford-Bjorkman. We received a copy of the report which suggests that significant repairs will be necessary to the tank. In their report, they are advocating sandblasting the entire structure. A procedure involving sandblasting would require a containment of the tank; therefore, increasing the cost of the repair significantly. Although the report addresses the worse case scenario with regard to the proposed repairs, there are other opinions that suggest a less intensive approach may be sufficient. The major difference is whether to sandblast or to high pressure power wash with sanding of only the most troublesome locations.

It is the decision of the Water and Sewer Subcommittee to postpone painting of the tower until spring 2008 although the bids for completion of this work may occur late this year.

13. Well #7 (11-30131):

The draft form of settlement contract has been reviewed and certain minor changes have been incorporated into the final draft. It is anticipated that the final version that is pending will meet with the satisfaction of both parties and result in execution of the agreement.

PUBLIC WORKS - INFORMATION ITEMS

14. Hammonton Lake Park (11-90028):

Our office has met with members of the Little League, Hawks, and the Town related to parking improvements and various other projects contemplated at the lake park. As a result of these discussions, it appears the Town would like to move forward with a plan to reconfigure the existing site layout. The plan would have minimal impact on the existing playing fields; however the existing track would be closed to the

general public. As of this writing our office is in the process of writing a proposal for Council's consideration which includes a number of tasks discussed with the groups noted above. It will likely be ready for the meeting, and will be discussed accordingly.

Motion by Councilperson Wuillermin, seconded by Councilperson Massarelli, authorize a purchase order to ARH in the amount of \$31,500.00 prepare necessary paperwork in developing Hammonton Lake Park to be funded by Developers Fees.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

15. Central Avenue Roadway Reconstruction Project (11-40027):

Comments have been received from our initial submission to the County and we are currently working towards addressing those comments. Additionally, our office, County Representatives, members of Council, and Central Avenue residents attended a public meeting on April 9 to generally discuss the project and how the residents may be affected. The goal of the project is to submit for approval in early May with the hope that bids and award can take place sometime in June or early July, allowing for construction later this summer and early fall. It is our understanding that the ARH contract to complete the survey and design work totaling \$92,700.00 was approved at a prior Council meeting subject to the passage of the bond ordinance for the project. Should this not be the case, we are requesting formal action by the Mayor and Council related to this matter. We will also be forwarding a copy of a typical ordinance to the Solicitor and Atlantic County for review to establish a mid block crosswalk adjacent to Kessler Hospital. This should be introduced at the next regular Council meeting if possible.

16. Downtown Parking Areas (11-40029):

ARH along with the Main Street Coordinator, Downtown Advocate and Mayor have met to discuss preliminary plans for proposed public parking lots at three different locations in the Downtown Area. Collectively, we have also met with some of the affected property owners to solicit their approval and cooperation. At this point, we are still attempting to meet with additional property owners. Once we have done so, we will reconvene with Mayor and Council to prioritize the three locations and seek direction on moving forward to hard design and land acquisition.

17. Pleasant Street Reconstruction State Aid (11-40017):

We have contacted and directed Mount Construction to complete all punchlist items by the end of close Friday, April 20th. These include topsoiling and seeding, as well as various other items required by Contract. Should the Contractor fail to complete these improvements within the timeframe noted, we shall assess a monetary penalty prior to final payment. Again, we are attempting to close out this project with both Mount Construction and the NJDOT. No payment is on this month's bill list for Council's consideration.

18. Atlantic County Recreation and Open Space Round #6 & Round #7 (11-01064-68):

It is our understanding that the Solicitor is following up on the initial contact letter sent out to the affected property owners for the following parcels:

1. Walmer Street (Wescoast Tract)
2. Grand Street Parcel (Portion of former Whitehall tract)
3. St. Martins dePorres parcel (rear wetlands portion tract)

The County is very anxious for the Town to provide them with an update on the Town's intent as to the use of the funds allotted for completion of the required tasks to proceed with purchase of these parcels. An update must be provided on Rounds #6 and 7 parcels so as to not jeopardize the loss of these funds or the potential for additional funds presently being considered by the County. A meeting will be held with the County and Town Representatives on Friday, April 27, 2007 at 3:00 p.m. at ARH's White Horse Pike office to discuss these parcels.

19. Boyer Avenue Recreation (11-50099):

Phase III

Scoping:

Our office has completed a new conceptual drawing to be reviewed by members of the recreation committee and affected organizations. Once a review has taken place we will work with the committee to define the scope of work desired for Phase III.

2007 Layout and Operation:

It should be noted that Gowers is scheduled to be on site April 25, 2007 to turn on the irrigation system and to finish the split rail fence installation.

20. Roadway Striping Various Streets (11-01000-91):

As requested last meeting, we have reviewed our files related to the request made to the State regarding the establishment of no-passing centerline striping on various streets. We have attached a copy of a letter dated 6/22/06 to the Clerk related to the recommendations made by the NJDOT Bureau of Traffic Engineer and Investigation. This letter is self explanatory and indicates that the Town, if so desired, could draft an ordinance providing for the establishment of "No Passing Zones" for the roadways noted. We would advise that the Mayor and Town Council have the Chief of Police look further into this matter if so desired and provide a recommendation for Council's consideration. It may also be advisable to set up a public hearing or input meeting in this subject.

SOLICITOR REPORT

KKK letter read apologizing and withdrawing their request to hand out pamphlets in Hammonton
Amend Zoning Ordinance/Assisted Living Facilities (refer New Business)
Stormwater Ordinance (refer to New Business)
Police Rules and Regulations (ordinance to be reviewed in closed)
SJ Gas/Change Order
Landlord Registration Forms (revised forms sent out)
Lake Water Quality Committee (refer to New Business)
State Office Building
Community Center grant
Town School Board Agreement
Plattarella Land Donation (town cannot use this land, refer to Property & Light Committee)
Hammonton Board of Education/Alarm Violations (request report from Law & Order Committee)
Yorktown/Jamestown Acceptance of Roadway (refer to Public Works Committee)

Police Chief Report

Chief Frank Ingemi advised the public on situations such as the recent incident in Virginia. He explained the process when a call is received concerning an active shooter.

Councilperson Colasurdo questioned if there was a plan for an incident like this?

Chief Ingemi stated yes, there is a plan and the plan has been reviewed at a meeting with all those who would be involved in same.

MAYOR REPORT

Congratulate Samantha Coderio (1st Runner Up Miss New Jersey)
Congratulate those newly elected school board members (Bauers, Berenato and Lyons)
Congratulate Dawn Baldwin (Artist of year)
Congratulate Grace Pitera, (Citizen of Year)
Congratulate Officer Robert Cramer-retirement

Motion by Mayor DiDonato, seconded by Councilperson Marino, designate May 28 as Officer Robert Cramer Day. Motion carried.

TOWN CLERK/ADMINISTRATOR REPORTAuthorize Additional Outside Detail Appropriation Egg Harbor Road \$3215

Motion by Councilperson Colasurdo, seconded by Councilperson Bertino, authorize additional outside detail for Egg Harbor Road project in the amount of \$3215.00.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Bid Results Street Sweeping Services Received 4/3/07

Bidder	Total Bid	Emergency Call Out
TCM Sweeping Inc.	\$212,000.00	\$250.00 hr/\$92.00 hr
Pieco Services	\$ 62,700.00	\$175.00

*Refer to New Business for resolution.

APPROVAL BILL LIST/PAYROLL/OVERTIME-ATTACHED

Motion by Councilperson Bertino, seconded by Councilperson Massarelli, approve bill list for April 2007.

On the question: Councilperson Bertino questioned Dolan Mechanical bill charged to Ord 6-06 should be charged to Ord 1-2006?

The Clerk advised she will amend same.

ROLL CALL

Councilpersons:

- Bertino - Y
- Colasurdo - Y
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS ACTION ITEMS:

1. Request attend school Rosemarie Jacobs May 15-17 \$275.00
 WWTP Employees various dates \$475.00 total
 Frank Domenico April 24 & June 4 no cost
2. Request authorize street light installation Bella Vita no cost Town
3. Request from John Aloisio for Town to adopt new Int'l Maint Code
4. From John Aloisio request change in zoning fees (refer to Solicitor)
5. Fire Co 2 accept resignations Steven Sofia, Joe LaMazza & Robert Thornewell

Motion by Councilperson Marino, seconded by Councilperson Bertino, approve communications action items.

ROLL CALL

Councilpersons:

- Bertino - Y
- Colasurdo - Y
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS INFORMATION ITEMS:

1. From Joseph Bednarsky advising the KKK will not be demonstrating in Hammonton

REPORTS-March 2007

- Town Clerk
- Registrar
- Construction Official

Ordered received and filed.

UNFINISHED BUSINESS

Pending Shade Tree Commission Council Appointments Alt 1 & Alt 2 both 5 years

The Clerk advised she received a letter from Edmund Johnson who is interested in a position on Shade Tree Commission.

Motion by Councilperson Marino, seconded by Councilperson Colasurdo, appoint John LaMazza as Alt# 1, five year term to expire 2010 to unexpired term Angella Donio and Edmund Johnson as Alt# 2, five year term to expire 2009 to unexpired term Eva Forchion.

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermín - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance 9-2007 Amend Chapter 271-6 Parking Prohibited

ORDINANCE # 9-2007

AN ORDINANCE AMENDING CHAPTER 271-6 OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "Parking Prohibited At All Times On Certain Streets"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, NEW JERSEY as follows:

That Chapter 271-6 of the Code of the Town of Hammonton be amended to include the following roadways:

Name of Street	Side	Location
Rita Drive	West Side	Cul de sac off Main Road
North First Road	Both	From intersection of 12 th Street to Orchard Street

Motion by Councilperson Bertino, seconded by Councilperson Colasurdo, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermín - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance #10-2007 Amend Chapter 271-29 No Passing Zones

ORDINANCE # 10-2007

AN ORDINANCE AMENDING CHAPTER 271-29 OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "No-Passing Zones"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, NEW JERSEY as follows:

That Chapter 271-29 of the Code of the Town of Hammonton be amended to include the following roadways:

Name of Street	Direction	Location
Thirteenth Street	Both	From Second Road to Chew Road CR#559
Second Road	Both	From Chew Road CR#559 to 15 th Street
Fourteenth Street	Both	From MaysLanding-Blue Anchor Road CR Spur#561 to Egg Harbor Road CR#561
Fifteenth Street	Both	From Second Road to Chew Road CR#559

Motion by Councilperson Colasurdo, seconded by Councilperson Vitalo, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #011-2007 Salary Ordinance SOA

Ordinance # 11 -2007

AN ORDINANCE FIXING THE SALARIES OF CERTAIN
OFFICIALS AND EMPLOYEES OF THE TOWN OF HAMMONTON,
COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, New Jersey as follows:

SECTION 1. There is hereby adopted the following salaries for employees and officials of the Town of Hammonton, in the County of Atlantic, and State of New Jersey, in those classifications which are hereinbefore set forth:

TITLE	MINIMUM	MAXIMUM
Captain	72,450	97,152
Lieutenant	68,828	92,385

SECTION 2. The appropriate level that each official or employee covered under his/her contract shall be paid on shall be determined by the language contained in the aforementioned contract. No prior contract language or language contained in the prior salary ordinance shall be applicable for purposes of determining the salary level of any official or employee.

SECTION 3. The amount to be paid to each official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council.

SECTION 4. The method of payment of the salaries to each official or employee shall be fixed from time to time by resolution of the Mayor and Council.

SECTION 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to April 8, 2006.

Motion by Councilperson Vitalo, seconded by Councilperson Marino, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #012-2007 Hammonton Lake Water Quality Advisory Committee

Ordinance #12-2007
PROPOSED ORDINANCE
GIVING FORMAL RECOGNITION TO

Formatted

The Hammonton Lake Water Quality Advisory Committee

1. The name of the committee shall be the Hammonton Lake Water Quality Advisory Committee.
2. The committee shall have as its objective the revitalization and preservation of the Hammonton Lake and enhancement of recreational, social and cultural activities associated therewith.
3. The committee shall be comprised of 12 members as follows:

The chairperson of Town Council's Quality of Life committee who shall be an ex-officio member (one year term, without a vote), a member designated by the chairperson of the Environmental Commission (one year term), a member designated by the chairperson of the Board of Park Commissioners (one year term), 9 other individuals who shall be residents of the Town of Hammonton and 3 alternate members. The nine residents shall each serve for a term of three years. At its organizational meeting, the initial appointees shall be grouped by the chairperson of this committee into three classes with the three Class 1 members serving a one year term, the three Class 2 members serving a two year term, and the three Class 3 members serving a three year term. At the end of each class's term, their designated replacement shall be appointed for a full 3 year term. The nine designated residents and three alternates (who shall each serve a one year term to be designated by the Mayor and Council as Alternate I, Alternate II, and Alternate III) shall be appointed on recommendation of the chairperson of the Board of Park Commissioners subject to approval of Mayor and Council. In addition, the Town of Hammonton Recreation Director shall attend all meetings pursuant to his job description but shall not have a vote.

4. The chairperson of this committee shall be elected by a majority vote of the voting members. A quorum shall consist of 7 (seven) members. The 3 alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member.

MEETINGS

Meetings shall be held as designated by the chairperson of this committee.

PARLIAMENTARY AUTHORITY

The rules contained in Robert's Rules of Order, Revised, shall govern this committee.

The committee shall have a Secretary who shall be compensated for his/her time by Mayor and Council.

The specific function of the committee shall be as follows:

1. Study, implement and encourage actions consistent with the 1995 Hammonton Lake Management Plan.
2. Investigate appropriate measures to improve water quality to protect the indigenous flora and fauna associated with the lake.
3. Promote practices that that eliminate point source pollution and minimize non-point source pollution impacting the Hammonton Lake.
4. Educate residents of Hammonton and surrounding communities of actions they can take to improve the water quality of the Hammonton Lake.
5. Encourage town residents to fully utilize the lake for passive and active recreation such as swimming, boating, fishing, hiking, and ancillary activities such as picnics, playground use, town holiday events, and the like.

The Commission shall keep records of its meetings and activities and shall periodically report to the Board of Park Commissioners and shall also make an annual report on or before the first day of January and submit the same to the Mayor and Council of the Town of Hammonton, which report shall be comprehensive and detailed, covering operations, receipts, disbursements and expenditures for the full year.

Motion by Councilperson Vitalo, seconded by Councilperson Marino, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #013-2007 Amend Zoning Ordinance B2 Zone Assisted Living

Ordinance 13-2007
 ASSISTED LIVING FACILITY CONDITIONAL USE ORDINANCE
 Amendment to §175-155B(4).

- B. The following are conditional uses in the B-2 Zoning District: [Previously Amended 4-10-1989 by Ord. No. 7-1989; 10-9-1989 by Ord. No. 33-1989].

Section V - Design, Construction, and Safety Standards

- (1) Any conditional use permitted in the B-1 Town Business District.
- (2) Car washes, subject to §175-124.
- (3) Hotels and motels, subject to §175-111.
- (4) Assisted Living Facilities subject to the following conditions:
 - (a) Minimum lot size: 75,000 square feet.
 - (b) Minimum lot frontage: 200 feet;
 - (c) Minimum side yard setback: 40 feet;
 - (d) Minimum front yard setback: 65 feet;
 - (e) Minimum rear yard setback: 50 feet;
 - (f) Maximum lot coverage: 75%;
 - (g) Maximum building height for principle structure only: 35 feet and no more than 2 stories;
 - (h) Maximum density (number of units/acre): 18 units per acre; and
 - (i) Minimum facility size: 30 units.

Provided, however, that the conditional use specified in this paragraph shall pertain only to the following parcels:

Block 4601, Lots 22, 22.01, 26, 26.01 & 27
 Block 4602, Lots 1, 2, 3, 4, 4.01, 5 & 6
 Block 4603, Lots 1, 2, 3, 4 & 5

In addition, the definition section (Article II – Definitions) §175-10 is hereby amended as follows:

§175-10. Terms Defined.

ASSISTED LIVING FACILITY – Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Motion by Councilperson Bertino, seconded by Councilperson Colasurdo, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
 Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance #014-2007 Stormwater Control Ordinance

Ordinance 14-2007

AN ORDINANCE ENTITLED “STORMWATER MANAGEMENT”

Section I. Scope and Purpose.

Purpose.

It is hereby determined that:

- a) Land development projects and associated disturbance of vegetation and soil and changes in land cover, including increases in impervious cover, alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes. If inadequately or improperly managed, this stormwater runoff can deplete groundwater resources and increase flooding, stream channel erosion, and sediment transport and deposition.
- b) This stormwater runoff contributes to increased quantities of waterborne pollutants.
- c) Increases of stormwater runoff, soil erosion and nonpoint source pollutants have occurred in the past as a result of land development, and contribute to the degradation of the water resources of the Town of Hammonton.
- d) All lands of the Town of Hammonton lie within the Pinelands Area, and therefore, development in the Town of Hammonton is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the implementing of regulations and minimum standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) (CMP). The purpose and intent of these regulations and standards is to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.
- e) Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 et seq., New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 et seq. and New Jersey's surface water quality antidegradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 et seq. Permitted uses shall maintain the ecological character and quality of the Pinelands, including good water quality and natural rates and volumes of flow.

- f) Increased stormwater rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the Pinelands Area have the potential to adversely affect the Town of Hammonton's streams and water resources and the streams and water resources of downstream municipalities.
- g) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- h) It is in the public interest to regulate the discharge of stormwater runoff from "major development" projects, as defined in Section VII of this ordinance, conducted within the Pinelands Area, as provided in this ordinance, in order to control and minimize increases in stormwater runoff rates and volumes, to maintain groundwater recharge, and to control and minimize soil erosion, stream channel erosion and nonpoint source pollution associated with stormwater runoff.

Therefore, it is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of the Town of Hammonton.

Goals and Techniques.

Through this ordinance, the Town of Hammonton has established the following goals for stormwater control:

- a) To reduce flood damage, including damage to life and property;
- b) To minimize any increase in stormwater runoff from new development;
- c) To reduce soil erosion from any development or construction project;
- d) To assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- e) To maintain groundwater recharge;
- f) To minimize any increase in nonpoint pollution;
- g) To maintain the integrity of stream channels for their biological functions, as well as for drainage;
- h) To restore, protect, maintain and enhance the quality of the streams and water resources of the Town of Hammonton and the ecological character and quality of the Pinelands Area;
- i) To minimize pollutants in stormwater runoff from new and existing development in order to restore, protect, enhance and maintain the chemical, physical and biological integrity of the surface and groundwaters of the Town of Hammonton, to protect public health and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
- j) To protect public safety through the proper design and operation of stormwater management basins.

In order to achieve the goals for stormwater control set forth in this ordinance, the Town of Hammonton has identified the following management techniques:

- a) Implementation of multiple stormwater management Best Management Practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this ordinance.
- b) Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 et seq., and this ordinance, shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs, before relying on structural BMPs. Nonstructural BMPs are also known as Low Impact Development (LID) techniques.
- c) Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.
- d) Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.
- e) Structural BMPs, where necessary shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.
- f) When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this ordinance before relying on a single, larger stormwater management measure to achieve these performance standards.

Applicability.

This ordinance shall apply to:

- a) All site plans and subdivisions for major developments occurring within the Pinelands Area that require preliminary or final site plan or subdivision review; and
- b) All major development projects undertaken by the Town of Hammonton shall comply with this ordinance.¹

Procedures. In addition to other development review procedures set forth in the Code of the Town of Hammonton, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this ordinance. New agricultural development that meets the definition of major development in Section VII of this ordinance shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable ordinance, code, rule, regulation, statute, act or other provision of law.

¹ This clause is intended to provide consistency with DEP's stormwater management requirements. As per normal practice, all development within the Pinelands Area which is undertaken by a Pinelands Area Municipality shall comply with all of the requirements of the CMP.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

In the event that a regional stormwater management plan(s) is prepared and formally adopted pursuant to N.J.A.C. 7:8-1.1 et seq. for any drainage area(s) or watershed(s) of which the Town of Hammonton is a part, the stormwater provisions of such a plan(s) shall be adopted by the Town of Hammonton within one year of the adoption of a Regional Stormwater Management Plan (RSWMP) as an amendment to an Area-wide Water Quality Management Plan. Local ordinances proposed to implement the RSWMP shall be submitted to the Commission for certification within six months of the adoption of the RSWMP per N.J.A.C. 7:8 and the Pinelands CMP (N.J.A.C. 7:50).

Section II. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a site development that is subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section II.C below as part of the applicant's application for subdivision or site plan approval. These required components are in addition to any other information required under any provisions of the Town of Hammonton's land use ordinance or by the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1 et seq.
2. The applicant shall demonstrate that the site development project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section III.C of this ordinance.

B. Site Development Stormwater Plan Approval.

1. The applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance. Checklist Requirements. Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to the Town of Hammonton and the Pinelands Commission in CAD Format 15 or higher, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plane Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf., word processing, database or spreadsheet files. Three (3) copies of each item shall be submitted.
1. Topographic Base Map. The applicant shall submit a topographic base map of the site which extends a minimum of three hundred (300) feet beyond the limits of the proposed development, at a scale of one (1) inch = two hundred (200) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. The map shall also depict the pathway of positive overflow from each proposed stormwater management facility to the nearest downstream collection point in order to demonstrate to where such facilities will overflow. The Town of Hammonton or the Pinelands Commission may require upstream tributary drainage system information as necessary.
2. Environmental Site Analysis. The applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:
 - a. A discussion of environmentally critical areas, 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 for or constraints on development; and
 - b. Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on onsite soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.
3. Project description and site plan(s). The applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
4. Land Use Planning and Source Control Plan.
 - a. The applicant shall submit a detailed Land Use Planning and Source Control Plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards at Section IV through use of nonstructural or low impact development techniques and source controls to the maximum extent practicable before relying on structural BMPs. The Land Use Planning and Source Control Plan shall include a detailed narrative and associated illustrative maps and/or plans that specifically address how each of the following nine (9) nonstructural strategies identified in Subchapter 5 of the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5) and set forth below (4.a.i. through ix.) will be implemented to the maximum extent practicable to meet the standards at Section IV of this ordinance on the site. If one or more of the nine (9) nonstructural strategies will not be implemented on the site, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.
 - i) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - ii) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - iii) Maximize the protection of natural drainage features and vegetation;
 - iv) Minimize the decrease in the pre-development "time of concentration";

Section V - Design, Construction, and Safety Standards

- v) Minimize land disturbance including clearing and grading;
 - vi) Minimize soil compaction and all other soil disturbance;
 - vii) Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24 ;
 - viii) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
 - ix) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:
 - (a) Site design features that help to prevent accumulation of trash and debris in drainage systems;
 - (b) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (c) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (d) Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules, when establishing vegetation after land disturbance.
 - b. For sites where stormwater will be generated from "high pollutant loading areas" or where stormwater will be exposed to "source material," as defined in Section VII of this ordinance, the applicant shall also demonstrate in the Land Use Planning and Source Control Plan that the requirements of Section IV have been met.
 - c. The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for development sites creating less than one (1) acre of disturbance. However, each application for major development and any other application where the Town of Hammonton otherwise requires a landscaping plan shall contain a landscaping or revegetation plan in accordance with the CMP standards at N.J.A.C. 7:50-6.24(c). In addition, the applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Town of Hammonton Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval.
5. Stormwater Management Facilities Map. The applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:
- a. The total area to be disturbed, paved and/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 manage and dispose of stormwater; and
 - b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations (groundwater recharge and stormwater runoff rate, volume and quality). The applicant shall submit comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by Section IV shall be met using the methods, calculations and assumptions provided in Section III.
7. Inspection, Maintenance and Repair Plan. The applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of Section VI of this ordinance. Said plan shall include, at a minimum, the following elements:
- a. The frequency with which inspections will be made;
 - b. The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;
 - c. The name, address and telephone number for the entity responsible for implementation of the maintenance plan;
 - d. The reporting requirements; and
 - e. Copies of the inspection and maintenance reporting sheets.
8. Exception from submission requirements. An exception may be granted from submission of any of these required components (except 7. above, Inspection, Maintenance, and Repair Plan) if its absence will not materially affect the review process. However, items required pursuant to the application requirements in the Pinelands CMP (N.J.A.C. 7:50-4.2(b)) shall be submitted to the NJ Pinelands Commission unless the Executive Director waives or modifies the application requirements.

Section III. Methodologies for the Calculation of Stormwater Runoff Rate and Volume, Stormwater Runoff Quality, and Groundwater Recharge.

A. Method of Calculating Stormwater Runoff Rate and Volume.

1. In complying with the Stormwater Runoff Quantity and Rate Standards in Section IV.B, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, incorporated herein by reference, as amended and supplemented. Alternative methods of calculation may be utilized, provided such alternative methods are at least as protective as the NRCS methodology when considered on a regional stormwater management basis.
2. In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within each drainage area within the parcel.
3. Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.
4. In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
5. When calculating stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:
 - a. When selecting or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:

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- i) Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
- ii) The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
- b. If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.
- c. All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.
- d. In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts that affect pre-developed site stormwater runoff rates and/or volumes.
- e. Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Method of Calculating Stormwater Runoff Quality.

1. In complying with the Stormwater Runoff Quality Standards in Section IV.F.1, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, as amended and supplemented.
2. The design engineer shall also use the NJDEP Water Quality Design Storm, which is one and one-quarter (1.25) inches of rainfall falling in a nonlinear pattern in two (2) hours. Details of the Water Quality Design Storm are shown in Table 1.
3. Calculation of runoff volumes, peak rates, and hydrographs for the Water Quality Design Storm may take into account the implementation of nonstructural and structural stormwater management measures.

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

4. Total Suspended Solids (TSS) reduction calculations.

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

$$R = A + B - (A \times B) / 100$$
 where:
 R = total TSS percent load removal from application of both BMPs;
 A = the TSS percent removal rate applicable to the first BMP; and
 B = the TSS percent removal rate applicable to the second BMP.
- b. If there is more than one onsite drainage area, the eighty percent (80%) TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. TSS removal rates for stormwater BMPs.

- a. For purposes of TSS reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. The BMP Manual may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2.
- b. Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the Town of Hammonton. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by the Town of Hammonton and a copy shall be provided to the following:
 - i) The Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, NJ, 08625-0418; and
 - ii) The New Jersey Pinelands Commission, PO Box 7, New Lisbon, NJ, 08064.

² Source: N.J.A.C. 7:8-5.5(a).

Best Management Practice	TSS Percent Removal Rate	Total Phosphorus Percent Removal Rate	Total Nitrogen Percent Removal Rate
Bioretention Systems	90	60	30
Constructed Stormwater Wetland	90	50	30
Extended Detention Basin	40-60 (final rate based upon detention time; see New Jersey BMP Manual, Chap. 9)	20	20
Infiltration basin	80	60	50
Manufactured Treatment Device	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.
Pervious Paving Systems	80 (porous paving)	60	50
	80 (permeable pavers with storage bed)		
	0 - volume reduction only (permeable pavers without storage bed)		
Sand Filter	80	50	35
Vegetative Filter Strip (For filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type.)	60 (turf grass)	30	30
	70 (native grasses, meadow and planted woods)		
	80 (indigenous woods)		
Wet Pond / Retention Basin	50-90 (final rate based upon pool volume and detention time; see NJ BMP Manual)	50	30

6. Nutrient removal rates for stormwater BMPs. For purposes of post-development nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the applicant shall demonstrate that the selected BMPs will achieve the nutrient removal standard required in Section IV.F.

C. Methods of Calculating Groundwater Recharge.

1. If complying with the groundwater recharge standards contained in Section IV.C.1.a, the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by reference as amended and supplemented. Information regarding the methodology is available in Section XI.A or from the New Jersey BMP Manual.
2. Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the municipal engineer.
3. If complying with the groundwater recharge standards contained in Section IV.C.1.b, the design engineer shall:
 - a. Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented; and
 - b. Use appropriate 2-year, 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
4. When calculating groundwater recharge or stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:
 - a. When selecting land covers or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods. However, another land cover may be used to calculate runoff coefficients if:
 - i) Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
 - ii) The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
 - b. If more than one land cover, other than woods, has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations.

³ Source: 7:8-5.5(c) and New Jersey BMP Manual Chapter 4.

- c. All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

Section IV. Stormwater Management Performance Standards for Major Development.

A. Nonstructural Stormwater Management Strategies.

1. To the maximum extent practicable, the performance standards in Section IV for major development shall be met by incorporating the nine (9) nonstructural strategies identified in Subchapter 5 of the NJ Stormwater Management Rules (N.J.A.C. 7:8-5), and set forth in Section II.C.4.a, into the design. The applicant shall identify within the Land Use Planning and Source Control Plan required by Section II.C.4 of this ordinance how each of the nine (9) nonstructural measures will be incorporated into the design of the project to the maximum extent practicable.
2. If the applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine (9) nonstructural strategies into the design of a particular project, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the Checklist Requirements established by Section II to the Town of Hammonton. A determination by the Town of Hammonton that this rationale is inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:
 - a. The Land Use Planning and Source Control Plan is amended to include a description of how all nine (9) nonstructural measures will be implemented on the development site, and the amended Plan is approved by the Town of Hammonton;
 - b. The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine (9) nonstructural measures, but still meets the performance standards in Section IV, and the amended Plan is approved by the Town of Hammonton; or
 - c. The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by the Town of Hammonton.
3. In addition to all other requirements of this section, each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Town of Hammonton Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.
4. In addition to all other requirements of this section, each application for major development, and any other application where the Town of Hammonton otherwise requires a landscaping plan, shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).
5. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Section IV shall be dedicated to a government entity; shall be subjected to a conservation easement filed with the appropriate County Clerk's office; or shall be subjected to an equivalent form of restriction approved by the Town of Hammonton that ensures that that measure, or equivalent stormwater management measure is maintained in perpetuity, as detailed in Section VI of this ordinance.
6. Guidance for nonstructural stormwater management strategies is available in the New Jersey BMP Manual, which may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org.
7. Exception for major development sites creating less than one (1) acre of disturbance. The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for major development creating less than one (1) acre of disturbance. However, the following requirements shall be met:
 - a. Each application for major development and any other application where the Town of Hammonton otherwise requires a landscaping plan shall contain a landscaping or revegetation plan prepared in accordance with the Pinelands CMP standards (N.J.A.C. 7:50-6.24(c));
 - b. Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Town of Hammonton Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and
 - c. Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

B. Stormwater Runoff Quantity and Rate Standards.

1. There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetlands transition area or surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.
2. To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields so as to protect farm crops from damage due to flooding, erosion and long-term saturation of cultivated crops and cropland.
3. For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten (10) year, twenty-four (24) hour storm shall be retained and infiltrated onsite.
4. In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:
 - a. Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the 2, 10, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;
 - b. Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions:

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- i) There is no increase in pre-developed stormwater runoff rates from the project site for the two (2), ten (10), and one hundred (100)-year storms; and
 - ii) Any increased stormwater runoff volume or change in stormwater runoff timing for the two (2), ten (10), and one hundred (100)-year storms will not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or
- c. Demonstrate that the peak post-developed stormwater runoff rates from the project site for the two (2), ten (10) and one hundred (100) year storms are fifty, seventy-five and eighty percent (50%, 75% and 80%), respectively, of the site's peak pre-developed stormwater runoff rates for the same storms. Peak outflow rates from onsite stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:
- i) Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or
 - ii) Would be subject to review under these standards if they are proposed for any degree of development in the future.
5. In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with a, b, and c above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
6. The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in Section III.
- C. Groundwater Recharge Standards.
1. For all major developments, with the exception of those described in Section IV.C.4, below, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:
- a. Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100 percent of the site's pre-developed average annual groundwater recharge volume; or
 - b. Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two (2) year, twenty four (24) hour storm from pre-developed to post-developed conditions is infiltrated on-site.
2. The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.
3. The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in Section III.
4. Exceptions.
- a. The preceding groundwater recharge standards shall not apply to sites that create less than one (1) acre of disturbance.
 - b. The following types of stormwater shall not be recharged:
 - i) Stormwater from areas of high pollutant loading. High pollutant loading areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored or applied; 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 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
 - ii) 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, fuels, and lubricants; solvents and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- D. Erosion Control Standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and its implementing regulations, N.J.A.C 2:90-1.1 through 1.4.
- E. Stormwater Runoff Quality Standards.
- 1. There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetland transition area or surface waterbody.
 - 2. Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty percent (80%) expressed as an annual average.
 - 3. Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the post-developed site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.
 - 4. The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in Section III.

5. Exceptions.

- a. The preceding stormwater runoff quality standards shall not apply to the following major development sites:
 - i) Major development sites where less than one quarter (0.25) acre of additional impervious surface is proposed; or
 - ii) Major residential development sites that create less than one (1) acre of disturbance.
- b. The TSS reduction requirement in Section IV.F.2 shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.
- c. The stormwater runoff quantity and rate standards in Section IV.B shall still be met for all major development sites.

F. Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material.

1. This subsection applies to the following areas of a major development as defined in Section VII of this ordinance:

- a. High pollutant loading areas (HPLAs); and
- b. Areas where stormwater is exposed to "source material."

2. For a major development in areas described in 1.a or 1.b above, in addition to the infiltration requirements specified in Section IV.B.2 and the groundwater recharge requirements specified in Section IV.C, the applicant shall demonstrate in the Land Use Planning and Source Control Plan required in Section II.C.4 that the following requirements have been met:

- a. The extent of the areas described in 1.a. and 1.b. above have been minimized on the development site to the maximum extent practicable;
- b. The stormwater runoff from the areas described in 1.a and 1.b above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in 1.a and 1.b above and the remainder of the site will be minimized;
- c. The amount of precipitation falling directly on the areas described in 1.a and 1.b above is minimized to the maximum extent practicable by means of a canopy, roof or other similar structure that reduces the generation of stormwater runoff; and
- d. The stormwater runoff from or co-mingled with the areas described in 1.a and 1.b above for the Water Quality Design Storm, defined in Section III.B. Table 1 shall be subject to pretreatment by one or more of the following stormwater BMPs, designed in accordance with the New Jersey BMP Manual to provide 90 % TSS removal:
 - i) Bioretention system;
 - ii) Sand filter;
 - iii) Wet ponds which shall be hydraulically disconnected by a minimum of 3 feet of vertical separation from the seasonal high water table and shall be designed to achieve a minimum 80% TSS removal rate;
 - iv) Constructed stormwater wetlands; and/or
 - v) Media filtration system manufactured treatment device with a minimum 80% TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by NJDEP.
- e. If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the pretreatment BMP required in Section IV.D.2.d above, the stormwater runoff from the areas described in 1.a and 1.b above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.

G. Threatened and Endangered Species and Associated Habitat Standards. Stormwater management measures shall address the impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.H. Exceptions and Mitigation Requirements.

1. Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this ordinance may be granted, at the discretion of the Town of Hammonton, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:

- a. The exception is consistent with that allowed by the Town of Hammonton;
- b. The Town of Hammonton has an adopted an effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission. The mitigation plan shall identify what measures are necessary to offset the deficit created by granting the exception and the municipality shall submit a written report to the county review agency and the NJDEP describing the exception and the required mitigation. Guidance for developing municipal stormwater management plans, including mitigation plans, is available from the NJDEP, Division of Watershed Management and the New Jersey BMP Manual.
- c. The applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in b) above, will be provided consistent with one of the following options:
 - i) Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or
 - ii) In lieu of the required mitigation, a monetary "in lieu contribution" may be provided by the applicant to the Town of Hammonton in accordance with the following:
 - (a) The amount of the in lieu contribution shall be determined by the Town of Hammonton, but the maximum in lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;
 - (b) The in lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or

exceed the equivalent recharge, quality or quantity performance standards which is lacking on the development site. Such mitigation project shall be identified by the Town of Hammonton in the Town of Hammonton's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by the Town of Hammonton at the time the exception is granted. The applicant shall amend the project description and site plan required in Section II.C.3 to incorporate a description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project.

- (c) The Town of Hammonton shall expend the in lieu contribution to implement the selected off-site mitigation project within five (5) years from the date that payment is received. Should the Town of Hammonton fail to expend the in lieu contribution within the required timeframe, the mitigation option provided in Section IV.H.1.c.iii of this ordinance shall be void and the Town of Hammonton shall be prohibited from collecting in lieu contributions.

2. An exception from strict compliance granted in accordance with H.1. above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.

Section V. Design, Construction, and Safety Standards for Structural Stormwater Management Measures

A. General Design and Construction Standards

1. Structural stormwater management measures shall be designed to meet the standards established in this section. These standards have been developed to protect public safety, conserve natural features, create an aesthetically pleasing site and promote proper onsite stormwater management.

Where directed by the Town of Hammonton the applicant shall be required to retrofit any existing substandard basin directly impacted by the proposed development in order to comply with the standards outlined in this section.

2. The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this ordinance. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this ordinance.

- a. Bioretention systems;
- b. Constructed stormwater wetlands;
- c. Extended detention basins;
- d. Infiltration basins;
- e. Vegetated filter strips;
- f. Infiltration basins and trenches;
- g. Wet ponds with suitable liners;
- h. Pervious paving systems; and
- i. Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.

3. Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.

4. Structural stormwater management measures shall be designed and constructed 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 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.

5. For all stormwater management measures at a development site, each applicant shall submit a detailed Inspection, Maintenance and Repair Plan consistent with the requirements of Section V of this ordinance.

6. To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:

- a. Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions;
- b. Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;
- c. Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the municipal engineer.

7. Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:

- a. Use of natural, non-wetland wooded depressions for stormwater runoff storage; and
- b. Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.

8. Stormwater management basins shall be designed with gently sloping sides. The maximum allowable basin side slope shall be five (5) horizontal to one (1) vertical (5:1).

9. Guidance on the design and construction of structural stormwater management measures may be found in the New Jersey BMP Manual. Other guidance sources may also be used upon approval by the municipal engineer.

10. After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the municipal engineer. Based upon the municipal engineer's review of the as-built plans, all corrections or remedial actions deemed by the municipal engineer to be necessary due to the failure to comply with the standards established by this ordinance and/or any reasons of public health or safety, shall be completed by the applicant. In lieu of review by the municipal engineer, the Town of Hammonton reserves the right to engage a Professional Engineer to review the as-built plans. The applicant shall pay all costs associated with such review.

B. Design and Construction Standards for Stormwater Infiltration BMP's.

1. Stormwater infiltration BMPs, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within seventy-two (72) hours after a storm event. Runoff storage for greater times can render the BMP ineffective and may result in anaerobic conditions, odor and both water quality and mosquito breeding problems.

2. Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least **three (3)** feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.

3. A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between **sixteen (16)** and twenty (20) inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of twenty (20) inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:

- a. The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or
- b. The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the bioretention system portion of the BMP during treatment of the stormwater quality design storm is twelve (12) inches in accordance with the New Jersey BMP Manual.

4. The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be **eight (8) inches** per hour. A factor of safety of two (2) shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. For example, if the field-tested permeability rate of the soil is four (4) inches per hour, its design permeability rate would be two (2) inches per hour. The minimum design permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the minimum seventy-two (72) hour drain time described in 1 above. The maximum design permeability shall be ten (10) inches per hour.

5. A soil's field tested permeability rate shall be determined in accordance with the following:

- a. The pre-development field test permeability rate shall be determined according to the methodologies provided in Section XI.C.3 of this ordinance;
- b. The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of **eight (8)** inch per hour;
- c. After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, post-development field permeability tests shall also be conducted according to the methodologies provided in Section XI.C.3 of this ordinance;
- d. If the results of the post-development field permeability tests fail to achieve the minimum required design permeability rates in 5 above utilizing a factor of safety of two (2), the stormwater infiltration BMP shall be renovated and re-tested until such minimum required design permeability rates are achieved; and
- e. The results of all field permeability tests shall be certified by a Professional Engineer and transmitted to the municipal engineer.

6. To help ensure maintenance of the design permeability rate over time, a six (6) inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a Professional Engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.

7. The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.

8. The design engineer shall conduct a mounding analysis, as defined in Section VII, of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in Section XI.C.3.1. Where the mounding analysis identifies adverse impacts, the stormwater infiltration BMP shall be redesigned or relocated, as appropriate.

9. Stormwater infiltration BMPs shall be constructed in accordance with the following:

- a. To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:
 - i) Unless the conditions in (ii) below are met, a stormwater infiltration BMP shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the BMP and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is

achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

- ii) If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area provided that the basin's bottom during this period is constructed at a depth at least two (2) feet higher than its final design elevation, or some other acceptable means to protect the stormwater infiltration basin during project construction. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in Section IV.
- b. To avoid compaction of subgrade soils of BMP's that rely on infiltration, no heavy equipment such as backhoes, dump trucks or bulldozers shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater infiltration BMP shall be performed by equipment placed outside the BMP. If this is not possible, the soils within the excavated area shall be renovated, fluffed and tilled after construction is completed to reverse the effects of compaction. In addition, post-development soil permeability testing shall be performed in accordance with B.5 of this section.
- c. Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

C. Safety Standards for Structural Stormwater Management Measures

1. If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.
2. A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in an outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:
 - a. The trash rack should be constructed primarily of bars aligned in the direction of flow with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than one-third (1/3) the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.
 - b. The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure. The maintenance plan shall address periodic maintenance and removal of debris from each trash rack.
 - c. The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
 - b. The overflow grate spacing shall be no more than two (2) inches across the smallest dimension; and
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
4. The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical (3:1).
5. Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2½) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1½) feet above the permanent water surface. See a) below, for an illustration of safety ledges in a stormwater management basin.
 - a. Illustration of safety ledges.

Section VI. Inspection, Maintenance and Repair of Stormwater Management Measures.

- A. Applicability. Projects subject to review pursuant to Section I.C of this ordinance shall comply with the requirements of Sections VI.B and VI.C below.
- B. General Inspection, Maintenance and Repair Plan.
1. The design engineer shall prepare an Inspection, Maintenance and Repair Plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the Checklist Requirements established in Section II.C. Inspection and maintenance guidelines for stormwater management measures are available in the New Jersey BMP Manual.
 2. The Inspection, Maintenance and Repair Plan shall contain the following:
 - a) Accurate and comprehensive drawings of the site's stormwater management measures;
 - b) Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number;
 - c) Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;
 - d) Cost estimates, including estimated cost of sediment, debris or trash removal; and
 - e) The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this State, the name and telephone number of an appropriate contact person shall also be included.
 3. The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the Inspection, Maintenance and Repair Plan. Said records and inspection reports shall be retained for a minimum of five (5) years.
 4. If the Inspection, Maintenance and Repair Plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.
 5. If the person responsible for inspection, maintenance and repair identified under Section VI.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section VI.B.6 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan shall be undertaken.
 6. The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall evaluate the effectiveness of the Inspection, Maintenance and Repair Plan at least once per year and update the plan and the deed as needed.
 7. The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall submit the updated Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above to the Town of Hammonton once per year.
 8. The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above.
 - C. Responsibility for inspection, repair and 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.
 - D. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including, but not limited to: repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.
 - E. Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.
 - F. In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, the Town of Hammonton 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 the municipal engineer's designee. The Town of Hammonton, at 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 within the allowable time, the Town of Hammonton may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by the Town of Hammonton shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.
 - G. Requirements for Inspection, Maintenance and Repair of Stormwater BMP's that rely on infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the applicant shall include the following requirements in its Inspection, Maintenance and Repair Plan:
 1. Once per month (if needed): Mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);
 2. After every storm exceeding one (1) inch of rainfall: Ensure that infiltration BMPs drain completely within seventy-two (72) hours after the storm event. If stored water fails to infiltrate seventy-two (72) hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;

3. Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;
4. Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;
5. Once per year: Inspect BMPs for unwanted tree growth and remove if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six (6) inches; and
6. After every storm exceeding one (1) inch of rainfall, inspect and, if necessary, remove and replace K5 sand layer and accumulated sediment, to restore original infiltration rate.
7. Additional guidance for the inspection, maintenance and repair of stormwater infiltration BMPs can be found in the New Jersey BMP Manual.

H. Maintenance Guarantee.

1. The applicant shall provide a maintenance guarantee in accordance with N.J.S.A. 40:55D-53 to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in accordance with the specifications established herein.
2. Additionally, for those stormwater management measures that are to be inspected, maintained and repaired by a public agency, the Town of Hammonton shall collect a prepaid fee from the applicant in the amount the Town of Hammonton determines is needed to provide long-term inspection, maintenance and repair of all stormwater management measures.

This prepaid fee shall be placed in a dedicated cash management account and expended by the Town of Hammonton for the sole purpose of conducting inspection, maintenance and repair activities for all stormwater management measures required under the applicant's major development application approval. The calculation of the fee shall be based upon the Inspection, Maintenance and Repair Plan (Plan) required to be prepared by the applicant and approved by the Town of Hammonton.

The Plan shall include an estimate of the present value of the cost to inspect, maintain and repair the stormwater management measure(s) in accordance with the Plan for the useful life of those measure(s). The Town of Hammonton shall furnish the applicant their published hourly rates as prescribed by their salary ordinance for public works and other personnel having responsibilities associated with stormwater management.

Added to this fee shall be an amount mutually determined by the Town of Hammonton and the applicant to account for the reconstruction/reconditioning of stormwater management measures that are based on the reasonable life expectancies of those facilities. After an agreed number of years, depending on the type of measure(s), the measure(s) will need to be reconstructed/reconditioned. The amount shall be based on the future value of the measure(s) being reconstructed/reconditioned.

Both inflation rates and bank interest rates shall be based on the ten year average published in the Wall Street Journal or other approved publication. Interest accruing in the account must also be accounted for at an agreed upon interest rate, to arrive at an amount. The costs for reconstructing/reconditioning the measure(s) shall be taken from the engineer's probable cost estimate that is utilized to determine the amount of the required performance guarantee. It is acceptable to attach a percentage of failure to certain line items in the estimate.

3. Additionally, for those stormwater management measures that are to be inspected, maintained and repaired by a homeowners association, condominium association or some other form of non-public ownership, no fee shall be collected by the Town of Hammonton. Instead, the ownership entity shall establish and maintain a fund for the annual inspection and testing program, annual maintenance and repair program and annual contribution to a contingency fund for long-term reconstruction/reconditioning.

The initial costs agreed to for the annual inspection and testing program and annual maintenance and repair program shall be based upon actual itemized proposals offered to the applicant by prospective vendors. The annual cost expended on inspection, testing and maintenance shall be reported to the Town of Hammonton to verify that maintenance is not being deferred and to inform the Town of Hammonton on the magnitude of those services.

The contingency fund shall require sufficient funds to be committed for long-term reconstruction/reconditioning of the stormwater management measure(s). Major reconstruction/reconditioning activities will necessitate proper financial planning. After an agreed number of years, depending on the type of measure(s), the measure(s) will need to be reconstructed/reconditioned. The contingency fund in the financial schedule shall be based on the future value of the measure being reconstructed/reconditioned.

Both inflation rates and bank interest rates shall be based on the ten year average published in the Wall Street Journal or other approved publication. Interest accruing in the account must also be accounted for at an agreed upon interest rate, to arrive at an annual contribution amount.

Section VII. Definitions.

UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS ORDINANCE SHALL BE INTERPRETED SO AS TO GIVE THEM THE MEANING THEY HAVE IN COMMON USAGE AND TO GIVE THIS ORDINANCE ITS MOST REASONABLE APPLICATION. WHEN USED IN THIS ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS HEREIN ASCRIBED TO THEM.

"Town of Hammonton" means the Planning Board, Zoning Board of Adjustment or other board, agency or official of the Town of Hammonton with authority to approve or disapprove subdivisions, site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this ordinance, the Town of Hammonton may designate the municipal engineer or other qualified designee to act on behalf of the Town of Hammonton.

"Aquaculture" means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

"Certification" means either a written statement signed and sealed by a licensed New Jersey Professional Engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the Commission

pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is used, the terms "certify" and "certified" shall be construed accordingly.

"Compaction" means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

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

A county planning agency; or

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

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

"Design permeability" means the tested permeability rate with a factor of safety of two (2) applied to it (e.g., if the tested permeability rate of the soils is four (4) inches per hour, the design rate would be two (2) inches per hour).

"Development" means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
9. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands used for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (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.

"Development, major" means any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any non-residential "development," grading, clearing or disturbance of an area in excess of five thousand square feet (5,000 ft²). Disturbance for the purpose of this ordinance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

"Development, minor" means all development other than major development.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving waterbody or a particular point along a receiving waterbody.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a); large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. T & E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

"Exception" means the approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this ordinance. An exception may be granted only under certain specific, narrowly-defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

"Extended detention basin" means a facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term "stormwater detention basin" shall have the same meaning as "extended detention basin."

"Finished grade" means the elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

"Grading" means modification of a land slope by cutting and filling with the native soil or re-distribution of the native soil which is present at the site.

"Groundwater" means water below the land surface in a zone of saturation.

"Groundwater mounding analysis" means a test performed to demonstrate that the groundwater below a stormwater infiltration basin will not "mound up," encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

"Heavy Equipment" means equipment, machinery, or vehicles that exert ground pressure in excess of eight (8) pounds per square inch.

"High Pollutant Loading Area" means an area in an industrial or commercial development site: where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; 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; where recharge would be inconsistent with NJDEP-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term "HPLA" shall have the same meaning as "High Pollutant Loading Area."

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

"Infiltration" is the process by which precipitation enters the soil through its surface.

"In lieu contribution" means a monetary fee collected by the Town of Hammonton in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this ordinance.

"Install" means to assemble, construct, put in place or connect components of a stormwater management system.

"Mitigation" means acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by the Town of Hammonton and the Pinelands Commission.

"New Jersey Stormwater Best Management Practices Manual" means guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An applicant may demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual, and notices regarding future versions of the manual, are available from the Division of Watershed Management, NJDEP, PO Box 418, Trenton, New Jersey 08625; and on the NJDEP's website, www.njstormwater.org. The term "New Jersey BMP Manual" shall have the same meaning as "New Jersey Stormwater Best Management Practices Manual."

"NJDEP" means the New Jersey Department of Environmental Protection.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

"NJPDES permit" means a permit issued by the NJDEP pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

"Nonpoint source" means:

1. Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;
2. Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or
3. Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.

The term "NPS" shall have the same meaning as "nonpoint source."

"Nonstructural BMP" means a stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term "Low Impact Development technique" shall have the same meaning as "nonstructural BMP."

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

"Permeability" means the rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), N.J.A.C. 6.5 (Pit Bailing Test) or N.J.A.C. 6.6 (Piezometer Test).

Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

"Permeable" means having a permeability of **sixteen (16) inches** per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

"Person" means any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Pinelands Commission" or "Commission" means the Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

"Pinelands CMP" means the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 et seq).

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (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, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Professional Engineer" means a person licensed to practice Professional Engineering in the State of New Jersey pursuant to N.J.S.A. 48:8-27 et seq.

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

"Replicate" means one of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

"Sand" means a particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Seasonally high water table" means the upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

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

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

"Soil" means all unconsolidated mineral and organic material of any origin which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

"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.

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

"Stormwater infiltration BMP" means a basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms "infiltration measure" and "infiltration practice" shall have the same meaning as "stormwater infiltration basin."

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater Best Management Practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this ordinance. The terms "stormwater Best Management Practice" and "stormwater BMP" shall have the same meaning as "stormwater management measure."

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

"Suitable soil" means unsaturated soil, above the seasonally high water table, which contains less than fifty percent (50%) by volume of coarse fragments and which has a tested permeability rate of between sixteen (16) and twenty (20) inches per hour.

"Surface water" means any waters of the State which are not groundwater.

"Time of concentration" means the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

"Total Suspended Solids" means the insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term "TSS" shall have the same meaning as "Total Suspended Solids."

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

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

"Water table" means the upper surface of a zone of saturation.

"Well" means a bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

"Wetlands" mean those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50 2.11, 6.4 and 6.5. The term "wetland" shall have the same meaning as "wetlands."

"Wet pond" means a stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and promotes the settling of pollutants. A stormwater retention basin can also be designed as a multi-stage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term "stormwater retention basin" shall have the same meaning as "wet pond."

Section VIII. Penalties.

Any person 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:

- A. A single event violation/offense of \$1,000.00.
- B. \$200.00 per day for continuing violations/offenses (to be assessed for each day until the violation/offense is remedied).Section IX. Effective Date. This ordinance shall take effect immediately upon the following:
 - A. Certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3; and
 - B. Approval by the county review agency.

Section X. Severability.

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

Section XI. Appendices.

- A. Methods for Calculating Groundwater Recharge.
 1. The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in NJ. Available at <http://www.njgeology.org/geodata/dgs99-2.htm>.
 2. The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at http://www.njstormwater.org/bmp_manual2.htm.
- B. NJDEP Nonstructural Strategies Point System (Reserved).⁴

The New Jersey Stormwater Management Rules at N.J.A.C. 7:8-5.2(a), and Section IV.A. of this Ordinance require nonstructural stormwater management strategies to be incorporated into the site design of a major development. A total of nine strategies are to be used to the maximum extent practical to meet the groundwater recharge, stormwater quality and stormwater quantity requirements of the Rules prior to utilizing structural stormwater management measures. The New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) provides a tool to assist planners, designers and regulators in determining that the strategies have been used to the "maximum extent practical" at a major development as required by the Rules. Refer online to <http://www.njstormwater.org> for information on the NSPS.
- C. Soils.
 1. USDA Soil Textural Triangle.

⁴ Refer to NJDEP for information on development of the nonstructural point system.

2. Definitions. For the purposes of this appendix, the following terms shall have the meanings herein ascribed to them.

"A-horizon" means the uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum accumulation of finely divided, dark colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

"Artesian zone of saturation" means a zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper surface which is at a pressure greater than atmospheric, either seasonally or throughout the year.

"Chroma" means the relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three variables of soil color as defined in the Munsell system of classification.

"Clay" means a particle size category consisting of mineral particles which are smaller than 0.002 millimeters in equivalent spherical diameter. Also, a soil textural class having more than 40 percent clay, less than 45 percent sand, and less than 40 percent silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Clay loam" means a soil textural class having 27 to 40 percent clay and 20 to 45 percent sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Coarse fragment" means a rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two millimeter sieve.

"County soil survey report" means a report prepared by the US Department of Agriculture, Natural Resources Conservation Service which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

"Direct supervision" means control over and direction of work carried out by others with full knowledge of and responsibility for such work.

"Equivalent spherical diameter" of a particle means the diameter of a sphere which has a volume equal to the volume of the particle.

"Excessively coarse horizon" means a horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Excessively coarse substratum" means a substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Extremely firm consistence" means a type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

"Firm consistence" means a type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

"Hard consistence" means a type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

"Hue" means the dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

"Hydraulically restrictive horizon" means a horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than **sixteen (16) inches per hour** is hydraulically restrictive.

"Hydraulically restrictive substratum" means a substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than **sixteen (16) inches per hour** is hydraulically restrictive.

"Loamy sand" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 85 to 90 percent (85-90%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of fifteen (15); or a minimum of 70 to 85 percent (70-85%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of thirty (30).

"Lower plastic limit" means the moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth (1/8) inches in thickness, without crumbling.

"Mottling" means a color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

"Munsell system" means a system of classifying soil color consisting of an alpha-numeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

"O-horizon" means a surface horizon, occurring above the A-horizon in some soils, which is composed primarily of undecomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

"Perched zone of saturation" means a zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

"Piezometer" means a device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

"Platy structure" is characterized by a soil aggregate which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

"Regional zone of saturation" means a zone of saturation which extends vertically without interruption below the depth of soil borings and profile pits.

"Sandy clay" means a soil textural class having 35 percent (35%) or more of clay and 45 percent (45%) or more of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Sandy loam" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 20 percent clay, and the percentage of silt plus twice the percentage of clay exceeds 30, and contains 52 percent or more sand; or less than 7 percent clay, less than 50 percent silt, and between 43 and 52 percent sand.

"Silt" means a particle size category consisting of mineral particles which are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having 80 percent or more of silt and 12 percent or less of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silt loam" means a soil textural class having 50 percent or more of silt and 12 to 27 percent of clay; or 50 to 80 percent of silt and less than 12 percent of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay" means a soil textural class having 40 percent or more of clay and 40 percent or more of silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay loam" means a soil textural class having 27 to 40 percent of clay and less than 20 percent of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Soil aggregate" means a naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

"Soil color" means the soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

"Soil consistence" means the resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

"Soil horizon" means a layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

"Soil log" means a description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

"Soil mapping unit" means an area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

"Soil phase" means a specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

"Soil profile" means a vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

"Soil series" means a grouping of soil types possessing a specific range of soil profile characteristics which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

"Soil structural class" means one of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

"Soil structure" means the naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

"Soil test pit" means an excavation made for the purpose of exposing a soil profile which is to be described.

"Soil textural class" means one of the classes of soil texture defined within the USDA system of classification. (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962.)

"Soil texture" means the relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter openings.

"Static water level" means the depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

"Substratum" means a layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

"Unsuitable soil" means all soil other than suitable soil.

"USDA system of classification" means the system of classifying soil texture used by the United States Department of Agriculture which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter (2 mm) openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in Section XI.C.1.

"Value" means the relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

"Very firm consistence" is characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

"Very hard consistence" is characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

"Zone of saturation" means a layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year. This includes both regional and perched zones.

3. Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:
 - a. All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to the Town of Hammononton.
 - b. During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.
 - c. A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20) feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8) feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.
 - d. A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than **sixteen (16) inches per hour**.
 - e. Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoxomorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.
 - f. Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than **sixteen (16) inches per hour**). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

- g. Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.
- h. A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.
- i. Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4) feet of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.
- j. The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be **sixteen (16) inches per hour**. Soil materials that exhibit tested permeability rates slower than **sixteen (16) inches per hour** shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20) inches per hour regardless of the rate attained in the test procedure.
- k. After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.
- l. A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to the Town of Hammonton, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.
- m. The applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two (72) hour drain time requirement established in Section V.B.1 of this ordinance.
- D. Pretreatment measures for infiltration BMPs. By reducing incoming velocities and capturing coarser sediments, pretreatment can extend the functional life and increase the pollutant removal capability of infiltration measures. Therefore, the installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:
1. Vegetative filter strips;
 2. Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;
 3. Sand filters;
 4. Grassed swales; and
 5. Detention basins.
- E. Collection and Conveyance.
- A. Bicycle-safe inlet grates. Site development plans that incorporate site design features that help 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.
1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - ii) A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than one half (0.5) inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7) square inches, or be no greater than two (2) inches across the smallest dimension.
3. This standard does not apply:
 - i) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - ii) Where flows from the water quality design storm as specified in Section III 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 and 5/8) 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 one-half (0.5) inch.
 - iii) Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in Section III of this ordinance; or
 - iv) Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- B. Catch basins. Catch basins are storm drain inlets with or without sumps. Catch basins may provide pretreatment for other stormwater BMPs by capturing large sediments. The sediment and pollutant removal efficiency of catch basins depends on the size of the sump and the performance of routine maintenance to retain the available sediment storage space in the sump. Where catch basins with sumps are proposed, the minimum two feet separation between the bottom of the sump and seasonally high water table shall be provided.
- C. Open or perforated conveyance piping. Where adequate separation to the seasonal high water table exists, stormwater from the development site may be conveyed to a stormwater basin via a system of perforated pipes. These pipes may be made of PVC or corrugated metal and are available with perforations of varying size and spacing. Perforated pipe specifications shall be certified by a Professional Engineer. A Professional Engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be installed with a minimum separation of **three (3) feet** from the seasonal high water table.

Section XII. Additional Sources for Technical Guidance.

A. NJDEP Technical Guidance Sources.

1. New Jersey BMP Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://www.njstormwater.org>.
2. NJDEP Stormwater Management Facilities Maintenance Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://njedl.rutgers.edu/ftp/PDFs/1188.pdf>.

B. Additional Guidance Sources.

1. New Jersey Pinelands Commission, PO Box 7, 15 Springfield Road, New Lisbon, New Jersey 08064; Phone: 609-894-7300; Website: <http://www.state.nj.us/pinelands>.
2. State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey. Available from all State Soil Conservation Districts, including the Cape-Atlantic Soil Conservation District, 6260 Old Harding Highway, Mays Landings, NJ 08330, phone #(609) 625-3144, phone #(609) 625-7360.
3. Cape-Atlantic Soil Conservation Districts.
4. New Jersey Department of Transportation, PO Box 600, Trenton, NJ 08625-0600; Phone: 609-530-3536; Website: <http://www.state.nj.us/transportation>.

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:

Bertino - Y
 Colasurdo - Y
 Marino - Y
 Massarelli - Y
 Vitalo - Y
 Wuillermin - Y
 Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R064-2007 Introduce 2007 Municipal Budget

#R 064-2007 RESOLUTION TO INTRODUCE THE 2007 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the year 2007;

BE IT FURTHER RESOLVED, that the said budget be published in the Hammonton Gazette, edition of May 2, 2007 as follows:

A hearing on the budget and tax resolution will be held at the Town Hall on the 21st day of May, 2007 at 7:00 o'clock p.m., at which time and place objections to said budget and tax resolution of the Town of Hammonton for the year 2007 may be presented by taxpayers or other interested persons.

Summary of General Section of Budget

Current Fund

Municipal Purposes within "CAPS"	\$9,054,665.39
Municipal Purposes excluded from "CAPS"	2,447,706.82

815,055.99

Reserve for Uncollected Taxes

Total General Appropriations	\$12,317,428.20
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Less: Anticipated Revenues	6,148,895.20
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Amount to be Raised by Taxation	\$6,168,533.00
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Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, resolution 64-2007 be adopted.

On the question: Councilperson Bertino questioned budget allotment for Rescue Squad?

Clerk advised Rescue Squad was given a budget allotment in Gasoline OE.

Councilperson Bertino suggested giving a larger budget allotment to Rescue Squad.

Councilperson Wuillermin stated that Rob Scharle CFO previously advised Council that there is no room for additional spending in this proposed 2007 municipal budget without raising taxes.

Councilperson Bertino stated he would be willing to increase the budget to support the rescue squad.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, increase budget to include additional funding for rescue squad.

A lengthy discussion of council was held with various opinions on the issue of financing Rescue Squad and raising taxes.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, rescind motion to increase budget to finance rescue squad. Motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, the resolution for 2007 budget be adopted as it is presented in the minutes this evening.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

#R065-2007 Self Examination of Budget

#R 065-2007
SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

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

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

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Hammonton has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2007 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Town of Hammonton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth,
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget has been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

#R066-2007 Authorize NJ ABC to Renew Conflict Liquor Licenses

#R 66-2007
 Town of Hammonton
 County of Atlantic
 Resolution Authorizing NJ ABC to Renew Conflict Liquor Licenses

WHEREAS, the following liquor license holders have applied for renewal of 2007/2008 Plenary Retail Consumption Licenses:

License #	License Name	License Holder	Location
0113 33 001	Kerri Brooke Caterers	Rock Colasurdo	755 WHP
0113 33 013	Vision Properties Group	John DiDonato	pocket
0113 33 008	Frog Rock Golf & Country Club	Rock Colasurdo	420 Boyer Ave

WHEREAS, the applicants are members of the governing body of the Town of Hammonton, which also acts as the ABC issuing authority, the subject license is a "conflict" license. Accordingly, said renewal application was forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A.C. 13:2-4.6 requires the issuing authority to submit to the Director a certified Resolution setting forth that the issuing authority has no objection to the renewal of the subject licenses and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey that the Mayor and Council has no objection to the renewal of Plenary Retail Consumption Licenses Numbered 0113 33 001, 0113 33 013, and 0113 33 008 and consents thereto, and,

furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

#R067-2007 Award Bid Street Sweeping Contract

RESOLUTION # 67-2007

RESOLUTION AWARDING CONTRACT ON BID
Street Sweeping Services

WHEREAS, the Town of Hammonton did advertise for competitive bids for street sweeping services which were received on April 3, 2007; and

WHEREAS, the low bid received was from Pieco Services in the total amount of \$62,700.00/\$175.00hr emergency call out; and

WHEREAS, the bid of Pieco Services has been determined to be consistent with the requirements of the Town of Hammonton and the Public Contract Laws of the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, AND STATE OF NEW JERSEY that a contract be awarded to Pieco Services in the amount of \$62,700.00/\$175.00hr emergency call out and consistent with the bid submitted and services to begin May 1, 2007; and

BE IT FURTHER RESOLVED that the Mayor and Council authorize the release of certified check 018-54462 in the amount of \$6270.00.

#R068-2007 Tax Resolution April

#R 68-2007
RESOLUTION

WHEREAS, the following accounts need to have amounts credited, transferred, canceled, refunded, or changed.

Block	Lot	INCORRECT	CORRECTION	NAME	PER	ACCT/REASON
2816	23	-1301.78	.00	ST JOSEPH'S ROSIE		TAX EXEMPT
3207	10	-68.25	34.50	FARREN DOMENICO		WATER UNIT CHANGE
3207	10	-600.00	300.00	FARREN DOMENICO		SEWER UNIT CHANGE
2713	2	-1842.28	69.00	HENRY JIMMY		WATER READ ERROR
2811	11	34.88	-34.88	MELENDEZ ROSIE		WATER REIMB MOORING
2811	11	190.33	-190.33	MELENDEZ ROSIE		SEWER REIMB MOORING
3905	12	1255.63	-1255.63	WALKER ROSIE		TAX REFUND
2708	6	135.09		WATER ST JOSEPH'S ROSIE		TR TO 2708-6.1 ERROR
2708	6	292.26		SEWER ST JOSEPH'S ROSIE		TR TO 2708-6.1 ERROR
2302	1-14	110.72	-110.72	TRAVIS ROSIE		SEWER REIMB AMERICAN

NOW THEREFORE BE IT RESOLVED by mayor and council to authorize and direct the tax collector to credit, transfer, cancel, refund, or change the above accounts.

#R069-2007 Temporary Emergency Appropriation

RESOLUTION # 69 -2007

Resolution of the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey, making temporary emergency appropriations for the Current Fund of the said Town of Hammonton.

Whereas, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

Whereas, the date of this resolution is not within the first thirty days of January 2007; and

Now, Therefore Be It Resolved by the Mayor and Common Council of the Town of Hammonton, New Jersey, that the following **Current Fund** temporary emergency appropriations for 2007 are hereby made:

Planning Board	
Other Expenses	10,000.00

#R070-2007 Change Order Well 7

R# 070- 2007

AUTHORIZING CHANGE ORDER #1
TO JPS CONTRACTING ASSOCIATED
WITH THE CONSTRUCTION OF WELL #7

WHEREAS, the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey authorized a construction contract to JPS Contracting on February 27, 2006 in the amount of \$671,000.00; and

WHEREAS, after the contract was awarded, issues regarding the placement of said well were discussed with SJ Gas Company who have the responsibility of performing a site remediation project; and

WHEREAS, the discussions between the Town and SJ Gas resulted in a mutually agreeable decision to relocate the proposed Well #7 from the Lincoln Avenue site to that of the Well #5 site located on 14th Street; and

WHEREAS, the purpose of agreeing to relocating the well involved the practicality of avoiding the Town's construction effort from becoming in conflict with SJ Gas's future remediation activity; and

WHEREAS, the contractor has submitted his cost proposal based on the unit prices of the original bid for the relocation of Well #7 to the alternative site; and

WHEREAS, the Water and Sewer Subcommittee have reviewed the contractors change order request for the relocation of the well and is recommended to the general council approval of same; and

WHEREAS, said modification resulted in a net change order of \$68,891.10, to increase the project from \$671,000.00 to \$739,891.10; and

WHEREAS, these changes are presented as Change Order #1; and

THEREFORE BE IT RESOLVED, that the Mayor and Town Council of Hammonton hereby:

1. Authorize the execution of Change Order #1 in the amount of \$68,891.10 subject to the certificate of availability of funds from the CFO.

#R071-2007 Boyer Avenue Land Application

071- 2007

AUTHORIZING ADAMS, REHMANN & HEGGAN ASSOC., INC.
TO PERFORM EVALUATION SERVICES FOR
THE BOYER AVENUE LAND APPLICATION SITE

WHEREAS, the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey have the responsibility for the operation and maintenance of the Wastewater Disposal Facility known as the Boyer Avenue Land Application site; and

WHEREAS, the Town of Hammonton is involved in an Administrative Consent Order to address the conditions at the disposal facility that are achieving results less than the design objectives; and

WHEREAS, there are ongoing activities that the Town is required to accomplish with regard to the ACO and other activities that are conditions of the annual NJPDES Permit; and

WHEREAS, the ACO activity, permit requirements and investigation of innovative technologies require the services of the Town Engineer; and

WHEREAS, Adams, Rehmann & Heggan Assoc., Inc. have presented a proposal dated March 19, 2007, for the Town's consideration that addresses the tasks necessary to accomplish the requirements set forth ; and

THEREFORE BE IT RESOLVED, that the Mayor and Town Council of Hammonton hereby authorize the Adams, Rehmann & Heggan Assoc., Inc. to perform the tasks noted in the proposal in the amount of \$26,550.00 subject to certification of availability of funds from the CFO.

#R072-2007 Refund Property Owner to pay Sal Jacobs

RESOLUTION # 72-2007

RESOLUTION AUTHORIZING A REFUND
FOR SANITARY SEWER SERVICE LATERAL CONNECTION FEE
TO MARLENE PERRONE

WHEREAS, Marlene Perrone did submit to the Town of Hammonton a fee for sanitary sewer service lateral connection; and

WHEREAS, the Mayor and Council of the Town of Hammonton wishes to reduce that fee by \$1650.00 contingent upon the homeowner paying for services rendered by Sal Jacobs Plumbing in the amount of \$1650.00; and

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that Rosemarie Jacobs, Treasurer, is hereby authorized to cause a refund of \$1650.00 to Marlene Perrone, 467 Walnut Street, Hammonton, New Jersey 08037 contingent upon payment of same being made to Sal Jacobs Plumbing for his services rendered at 467 Walnut Street property.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, resolutions numbered 65 through 72 be adopted.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo – Recused on Resolution 66 only

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Recused on Resolution 66 only

Mayor DiDonato declared the motion carried.

LICENSE APPROVAL

Hammonton Chapter of Deborah 6/27/07

St. Martin de Porres various

Fire Co. 2 7/16/07

Hammonton Rotary Club (ABC) 4/20/07

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, the licenses be approved.
Motion carried.

PUBLIC HEARD

Ed Silipena – N Third Street

Mr. Silipena stated he is here to once again speak on the Old Forks Road retention basin. He believes in an attempt to remedy the problem, the builder has now drained water from retention basin into the overflow basin. He requested a town official to appear onsite to investigate same the following morning.

The Clerk requested Mr. Silipena's number so that she could have a representative of R&V contact Mr. Silipena the following morning.

Mark Santora – Old Forks Road

Mr. Santora was present once again to speak on the ongoing problem of retention basin on Old Forks Road. He wanted to state for the record that he agreed with Mr. Silipena in his statements this evening concerning his observation of the basin.

#R 073 -2007 Resolution Enter Into Executive Session

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the "Open Public Meetings Act," an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

1. Approve Executive Session Minutes
2. Personnel
3. Litigation

BE IT FURTHER RESOLVED, that the minutes of said Executive Session shall be released only after same will have no adverse effect on the matters involved as determined by the Mayor and Common Council.

Motion by Councilperson Colasurdo, seconded by Councilperson Wuillermin, the resolution be adopted.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Resume Regular Order of Business

Ordinance #015-2007 Police Rules and Regulations

Ordinance #15-2007 entitled "An Ordinance Adopting Town of Hammonton Police Department Rules and Regulations" was taken up for first reading.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, the ordinance be taken up for and pass first reading and the Clerk publish ordinance and hearing per law.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Authorize Payment – Frank Ingemi Legal Fees

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize a purchase order to Jacobs and Barbone Lawfirm in the amount of \$16,983.54 for Frank Ingemi legal representation.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - N
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Hire Electrical Sub Code Official

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, hire William Esposito as part time Electrical Sub Code Official with no benefits at the hourly rate of \$20.00 per hour and not to exceed 10 hours per week effective 6/1/07. Police background investigation and medical screening have been approved.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Hire 2 Laborers Highway/Parks & Rec

Motion by Councilperson Colasurdo, seconded by Councilperson Vitalo, hire Kevin Wooton and Joseph Ferante Jr. as full time Laborers at Highway/Parks & Rec with benefits at the starting salary per contract contingent upon approval of police background investigation and medical drug screening.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

MEETING ADJOURNED at 12:45 am

Motion by Councilperson Vitalo, seconded by Councilperson Bertino, the meeting be adjourned. Motion carried.

Minutes Recorded by April Boyer Maimone, Assistant Clerk

Minutes Approved by Susanne Oddo, Town Clerk/Adm.