

**CM 3-18-13**

Minutes Regular Meeting of Mayor and Council – March 18, 2013  
Town Hall Council Chambers, 100 Central Avenue  
Executive Session 6:30 P.M.  
Public Session 7:00 P.M.

**Agendas & Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)**

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilpersons:

Bachalis - Present  
Carpo - Present  
Esposito - Present  
Furgione - Present  
Pullia - Present  
Rodio - Present  
Mayor DiDonato – Present

PRESENT ALSO

Brian Howell, Town Solicitor  
Jerry Barberio, PWM/Business Administrator

#R035-2013 Executive Session

#R035-2013

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. Berenato/Landfill Settlement
2. PULTE/Travelers
3. Subpoena – 2004 Tax Lien Sale
4. Raso v. Town of Hammonton

BE IT FURTHER RESOLVED, that the minutes of any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion by Councilperson Esposito, seconded by Councilperson Furgione, the resolution to enter into executive session is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilpersons:  
Bachalis - Present  
Carpo - Present  
Esposito - Present  
Furgione - Present  
Pullia - Present  
Rodio - Present  
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor  
Bob Vettese of ARH, Town Engineer  
Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Executive Session – February 18, 2013  
Regular Meeting – February 18, 2013  
Special Meeting – March 11, 2013

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, the minutes are approved as recorded by the Clerk.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Hearing/Adoption Ordinance# 002-2013 No Turn W.H.P./Pleasant Mills Road

Ordinance # 002-2013  
AN ORDINANCE  
AMENDING ORDINANCE 271-26

§271-26

WHEREAS, based upon a recommendation from the Atlantic County Engineer’s Office as confirmed by an investigation by the Hammonton Police Department, it has been determined that public safety requires a restriction on certain left-hand turns at the easterly intersection of US Route 30 (White Horse Pike) and County Route 542 (Pleasant Mills Road), as follows:

A. Lane Use Reservations, **ADD:**

<b>Intersection</b>	<b>Movement</b>
Easterly intersection of Rt. 542 and US Rt. 30	Westbound lane of Rt. 542 reserved for right turn only

WHEREAS, signage and pavement markings contained in the attached Schedule A (but limited to those signage and pavement marking necessary to effectuate the restrictions set forth above) prepared by William J. Day, P.E. as File No. TS-6073A are hereby authorized to be installed.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

1. Chapter 271-26 of the Town of Hammonton Code shall be revised with an amendment consistent with the above which is hereby adopted by Mayor and Council on March 18, , 2013.
2. The Clerk of the Town of Hammonton is hereby authorized and directed to forward a certified copy of this ordinance to the Clerk of the Board of Chosen Freeholders of the County of Atlantic, requesting the Board’s consent to this lane use reservation.
3. This ordinance shall not take effect until 20 days after the adoption of a resolution consenting to this ordinance by the Board of Chosen Freeholders of the County of Atlantic, and until the proper traffic control signs and pavement marking have been erected.

Motion by Councilperson Carpo, seconded by Councilperson Rodio, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Carpo, seconded by Councilperson Rodio, the hearing is closed, the ordinance passed second reading and adopted.

ROLL CALL

Councilpersons:

- Bachalis - Yes
- Carpo - Yes
- Esposito - Yes
- Furgione - Yes
- Pullia - Yes
- Rodio - Yes
- Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

2. Hearing/Adoption Ordinance #003-2013 Salary Ass’t Water Treatment Plant Operator

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Ordinance # 003-2013  
AN ORDINANCE FIXING THE SALARY OF  
EMPLOYEE(S) OF THE TOWN OF HAMMONTON

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

SECTION 1. There is hereby adopted the following salary for employee(s) of the Town of Hammonton.

TITLE	MINIMUM	MAXIMUM
Assistant Water Treatment Plant Operator	\$67,000.00	\$70,000.00

SECTION 2. The specific salary or wage for any municipal official or employee shall be determined and set forth in salary contracts or collective bargaining agreements provided they are within the minimum and maximum amounts as set forth hereinabove. No salary or wage for any municipal official or employee shall be affective or intended unless by official action of the Governing Body and incorporated in a Resolution fixing the specific wage or salary.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to October 23, 2012.

Motion by Councilperson Pullia, seconded by Councilperson Carpo, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Pullia, seconded by Councilperson Esposito, the hearing is closed, the ordinance passed second reading and adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

3. Hearing/Adoption Ordinance #004-2013 Amend Discovery Fees to reflect NJ Court Rules/Opra

Ordinance #004-2013  
AN ORDINANCE AMENDING ARTICLE V., CHAPTER 14-23 (B) 1-8  
of the Code of the Town of Hammonton

BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey that Article V., Chapter 14-23 (B) 1-8 is amended as follows:

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All fees for discovery for Hammonton Municipal Court shall be in accordance with OPRA and/or N.J. Court Rules.

BE IT FURTHER ORDAINED that, all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage and publication according to law.

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the hearing is closed, the ordinance passed second reading and adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration -Councilperson Esposito

No action items this month

No Administration Meeting this month

Business & Industry-Councilperson Esposito

Report on improvements to businesses being made with grant funding

Report on new art studio to be located downtown

Annual Town cleanup moved to Saturday, March 23rd

Report on upcoming downtown event

Education-Councilperson Furgione

Report on Stockton College class schedule, workshops and events

Report on Board of Education-no tax increase, strategic planning

Next school board meeting this Thurs at 7 pm

Sat 2 pm Women's Civic Club Easter Egg Hunt

Public Works & Transportation-Councilperson Rodio

Report on special meeting regarding Grape, Packard and Second Street Project

Deferred action items to Engineer Report

Deferred Public Works Items to Jerry Barberio, PWM/BA Report

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### Quality of Life – Councilperson Bachalis

Report on Hammonton Lake Park cleanup

Report on Hammonton Lyons Club roadway cleanup

Advised interested residents to contact [www.acua.com](http://www.acua.com) for County Adopt a Road Program

Report on survey for residents concerning Hammonton Lake

Report on Saturday, March 23rd Earth Hour Observation (for more info go to [earthhour.org](http://earthhour.org))

### Water & Sewer – Councilperson Pullia

Defer Zinc Removal Plan at WWTP action item to Engineer Report

Update on Well 5 and 7

Report of cancellation of change order

Update on Well 4

Update on Well 1 and 3

### ENGINEER REPORT

#### **SEWER & WATER ACTION ITEMS:**

##### **1. Hammonton Water System - AACO (ARH #11-30152):**

No action taken this evening.

##### **2. Wastewater Treatment Plant Surface Water Permit (ARH #11-50058):**

On August 8, 2012, an Adjuratory Hearing was requested on the elements of the permit for which the Town was requesting consideration. On October 19, 2013, the request for hearing was accepted but as of this writing no date has been established. The operator has checked his permit requirements whereby the work plan for zinc is due on or before March 1, 2013. Zinc is one of the items contested in the appeal.

As reported last month, ARH emailed the NJDEP Surface Water representatives to determine whether the work plan is still required or does Hammonton get an extension at least until the hearing is conducted. Specifically, the following issues were raised:

- In accordance with the permit, the Town must submit a work plan within 6 months from date of permit issuance in order to maintain the option to complete a site specific study that the Department may rely upon to remove or modify the WQBEL for zinc in the Town's NJPDES permit (similar to what the Town did for lead in its previous NJPDES permit). While the Town is not required to submit the work plan, if it doesn't do so then it loses the right to subsequently submit such a work plan and to complete this study as provided in the permit.
- Notwithstanding the Town's appeal on the zinc requirement, the Department has no other site specific information upon which to base a modification or deletion of the zinc WQBEL at the present time, and therefore it is in the best interests of the Town to submit the work plan. While the Department may eventually seek to remove Hammonton Creek from the list of waterways impaired for zinc, there is presently no schedule for such an adoption nor is there any degree of certainty that such an adoption will ever occur.
- In essence, if the Town chooses to wait until an adjudicatory hearing was held on the zinc issue, and the decision of that hearing was to maintain the zinc WQBEL (i.e., the more likely scenario), then there would not be sufficient time to conduct the study before the Town would be required to meet the zinc WQBEL.

In summary, it appears that it would be in the Town's best interest to submit a work plan for consideration even though it is NOT a permit requirement. Such an approach keeps all of the Town's options open and provides for enough time to conduct the study to assess the impact of zinc. Furthermore, if the

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Department suddenly decided the Creek is not impaired for zinc or otherwise deleted the WQBEL for zinc, the Town would not be obligated to conduct the study proposed in the Work Plan.

As presently provided in the permit, the work plan would have to be submitted by March 1, 2013. Given the present time constraints, we requested that the work plan submission date be extended by 60 days to May 1, 2013. In that regard, we have requested Ray Ferrara to present a proposal for this activity.

The NJDEP response to the issues raised above was as follows:

*While the 6 month time frame on the work plan submittal is not a permit requirement, it is included in the permit so that there would be ample time for review and approval of said work plan, time for the sampling and submittal and then the Department's review of the submittal before the limitation would become effective. Since there is a stay on the zinc limitation, the Department would accept a work plan shortly after the 6 month mark. While a 60-day extension may not be a problem in and of itself, waiting until May 1st may not allow sufficient time to obtain and conduct the sampling this summer.*

Ray Ferrara will be received and discuss with the PWTC in order to perform the evaluation in time for it to have an impact on the permit requirements.

Motion by Councilperson Pullia, seconded by Councilperson Bachalis, authorize the Zinc Removal Work Plan proposal not to exceed \$10,000.00.

### ROLL CALL

Councilpersons:

Bachalis - Yes

Carpio - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

### PUBLIC WORKS ACTION ITEMS

#### **3. 2012 Roadway/Drainage Projects (ARH #11-40045 & 46):**

No action taken this evening.

#### **4. Hammonton Lake Aquatic Weed Control (P2011.0492): - No Status Change**

As requested by the Lake Water Quality Committee, we have prepared a proposal to complete the various tasks needed to proceed with the fieldwork, permitting, bid process, etc. for the application of aquatic weed control to the Hammonton Lake. The application will be applied in late spring or early summer of 2013 as per the Lake Water Quality Management Report. If the Council desires to complete the application and weed treatment work, funds will need to be established within the 2013 budget. We would be available to discuss the project requirements with the Finance Committee of Council at the appropriate time of budget preparation.

Motion by Councilperson Bachalis, seconded by Councilperson Esposito, authorize Mr. Vettese to acquire a professional proposal for review of Hammonton Lake to ascertain necessary treatment options, not to exceed \$500.00.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

**SEWER & WATER INFORMATION ITEMS:**

**5. Water Quality Management (WQM) (ARH #11-5000):**

As authorized last meeting, we are modifying the overall Wastewater Management Plan to reflect the revisions to sanitary sewer service area as discussed with the PWTC. We also briefly discussed same with representatives from the Pinelands Commission when they met with the Town Officials on another matter last month. The cover letter and revised plan should be forwarded to the Atlantic County Division Planning and Regional Development later this month.

**6. Pine, Basin & Oak Road Water Main Extension/Well Contamination**

**(ARH #11-30138):**

Contract #1 – Water Main Installation, Street Side Services and Roadway Restoration (Lafayette Utilities)  
As previously reported, in the spring, the contractor will repair the many driveway aprons that have failed.

Contract #2 – House Side Services to Affected Contaminated properties (Helmer Construction)

There are approximately 30 homes that must connect under the project. Helmer has fully connected 27 of the 30 at this writing.

Contract #3 – Well Sealing (Steffen Well Drilling)

As previously reported, this project has not yet started awaiting the completion of Contract #2. Several residents have applied for a farm use waiver to allow them to retain their wells. The applications have been received by the NJDEP and they will be performing site visits to determine whether the individuals requesting do in fact qualify. This past week the residents applying for farm waivers has received correspondence from NJDEP requesting additional information. The outcome of these site visits will affect Contract #3.

General Issues

Funding Status:

We are working toward the final quantities so the overall funding availability against eligible project cost can be finalized. That will allow for the Town to make decisions regarding the proposed optional change orders and seek full reimbursement to the limits allowed from the agencies supporting this project.

Connection by Non-CKE Residents:

A letter dated February 5, 2013 was issued to these residents inviting their participation. We have had no feedback as to whether the letter has had any impact.

Summary of Last Month's Activity/Pending Items:

- Complete Contract #2.
- Initiate Contract #3.
- Resolve the one remaining connection issue remaining under Contract #2.
- Present a final quantities estimate for consideration of optional change orders.

7. **Route 54/Bellevue Avenue Utilities (ARH #11-50120): - No Status Change**

The sub-contractors have completed all of their required punch list items. We are currently waiting for the Contractor to provide outstanding items, allowing the contract to be closed out. Unfortunately in order to close out this project there are a few issues that need to be addressed. There are currently claims in against the payment bond by the sub-contractors. The Contractor cannot close out the project without a release of liens form filled out by the sub-contractors. Until the issues that have led to the claims against the payment bond are resolved we will not be able to close out this project. We will make efforts to move this project to closure; however potential litigation issues may continue to delay this process.

**PUBLIC WORKS INFORMATION ITEMS**

8. **Stockton College Parcel Property Remedial Investigation/ Action – Front Street (ARH #11-40042):**

The removal of the impacted soils situated exterior to the building was deemed complete on November 26<sup>th</sup>.

The impacted soils discovered under the building are being addressed administratively by implementing both institutional (i.e., deed notice) and engineering (i.e., cap) controls. ARH prepared the Deed Notice, which the Town Solicitor recorded at the County Clerk's office on January 17<sup>th</sup>. ARH is currently working with the Town Solicitor and Stockton to prepare/ file a remedial action permit application (soils) with NJDEP for the remaining soil impacts. Note that a check in the amount of \$600 for the permit application fee was requested from Frank Zuber on March 13<sup>th</sup>.

Regarding groundwater quality, ARH completed the required classification exception area (CEA) analysis and submitted same to NJDEP on November 15<sup>th</sup> to address this issue through the natural attenuation option. After the CEA is approved, a remedial action permit application (groundwater) will be prepared/ submitted to NJDEP for the remaining groundwater impacts. Note that a check in the amount of \$800 for the permit application fee was requested from Frank Zuber on March 13<sup>th</sup>.

As discussed previously with both the Town and Stockton, the remedial action permit(s) will require long-term monitoring and reporting. Additionally, ARH is in the process of preparing the final Remedial Action (RA) Report, understanding that the report cannot be submitted until the remedial action permit applications have been filed.

9. **FY2013 Municipal Aid Applications (ARH #11-40041): - No Status Change**

Pursuant to our authorization we have prepared and filed the following applications to NJDOT for FY2013:

Municipal Aid – Pratt Street from Egg Harbor Road to Fourth Street – Phase II  
(*\$250,000.00 Requested*)

Bikeways – Phase I to provide a link from NJTRANSIT Train Station to the Lake Park. Phase I would utilize existing ROW and easements to extend from Eleventh Street to the Veterans Place rail road crossing.  
(*\$250,000 Requested*)

Safe Streets to Transit – This would extend decorative sidewalk from Historic Train Station to Peach Street. Along with sidewalk along Front Street between Passmore Avenue and Line Street on the Fire Station side.  
(*\$225,000 Requested*)

This item is pending NJDOT review, last year's program allotments were announced in March.

10. **Boyer Avenue Recreation Complex (ARH #11-75003): - No Status Change**  
The Contractor completed the rough grading of the site, installed the DGA in the parking and access drive locations. However, due to timing the Contractor has not been able to stabilize the site. It will be the Contractor's obligation to keep the site safe and stable. Any efforts that need to be reinforced or reinstalled will be on the Contractor. For example there is erosion in sections of the basin, the basin bottom will need to be reworked and the erosion areas repaired. Currently, the Contractor is waiting out the winter weather season prior to returning and completing the project.
11. **Skinner Building – Egg Harbor Road (ARH #11-01074):**  
No changes since the update provided February 19, 2013. As a reminder, Enterprise Network Resolutions (ENR) completed the removal of the storage tanks from the property the week of November 26<sup>th</sup>, and the removal of the waste materials stored within the buildings on February 13<sup>th</sup>. ARH completed/ submitted the Preliminary Assessment (PA) Report, has conducted some additional sampling in connection with the ongoing Site Investigation (SI), and is working with the Town to coordinate the pending demolition activities.
12. **Celona Property – Railroad Avenue/Pleasant Street (ARH #11-01054):**  
No changes since the update provided April 3, 2012, with the exception of the following reminder. On December 21, 2012, NJDEP issued a letter confirming that the Town's LSRP [Henry Weigel] had been released from the case, and that the responsible party (RP) was required to again retain an LSRP within 45 days. Acknowledging the State's 'affirmative obligation to remediate a discharge', the Solicitor was to make a determination as to who is the RP for the site and what obligations the Town might have. An update related to same should be provided by the Solicitor.
13. **Drainage Projects: Lakeshore and White Horse Pike (ARH #11-60202.03):**  
We have submitted an application to the NJDOT for Discretionary Aid funding consideration in the amount of \$247,250. Copies of the application were forwarded to area legislators. Council should contact the legislators to request their support for the project funding request. We have provided a copy of the project funding application to the Business Administrator in response to an inquiry made by one of the area legislators. We have also contacted the NJDOT Trenton Review Officer regarding the status of his review. We will follow-up with the inquiry and provide an update to Council.
14. **Former Mazza Property, Egg Harbor Road Parking Lot at the Historic Train Station (P2012.0153):**  
As noted in prior reports, we were requested to resubmit our proposal dated 4/3/12 to complete the Environmental Investigative Work at the above noted site. This Preliminary Site Assessment will be required as part of the initial phase for any funding application the Town may consider to complete the parking lot improvements at this location. Our proposal dated 4/3/12 totalling \$16,700.00 relates to the work required to complete the Preliminary Site Assessment investigation and report. We are waiting for further direction by the Mayor and Council. If Mayor and Council are still interested in pursuing this project, consideration for inclusion of these funds within the 2013 budget would be appropriate. We will be guided by Council's action.
15. **Hammonton Tax Map Revisions, Property Revaluation (P2011.0485):**  
We have received the State's Division of Taxation comments and marked up Tax Map Sheets. We are in the process of reviewing that information and will meet with Council representatives, the Tax Assessor, Solicitor and Business Administrator to discuss the comments along with the work and timeframe required to bring the Tax Map into compliance with the State Division of Taxation standards. Once we have that meeting, a revised proposal will be provided for Council's consideration. In order to meet the Court's deadline dates for the revaluation process, we will need a direction from Council as soon as possible.

**16. Drainage Projects: Anderson Avenue (ARH # 11-60208.02)**

As authorized last meeting, our ARH field crews are gathering the additional information required. We will be finalizing the Design Plans for review with the PWTC and affected property owners where easements are requested. Legal descriptions for these easements will be prepared so that the Solicitor can prepare the deeds for signature and filing.

**17. Chew Road/Jacobs Street/First Road (ARH # 11-60207.02)**

As authorized last meeting, our ARH field crews are gathering the additional information required. We will be finalizing the Design Plans for review with the PWTC and affected property owners where easements are requested. Legal descriptions for these easements will be prepared so that the Solicitor can prepare the deeds for signature and filing.

**18. Solar Project at Former WWTP Site (ARH #11-01086):**

The Contractor is on site and has completed demolition activities. The stone base for the solar array is currently being installed.

**SOLICITOR REPORT**

1. Stockton Bond
2. Rt. 54 Bond
3. Pulte
4. Travelers
5. Wetlands/Forestry Management Ordinance

**#005-2013 Amending Chapter 175 Land Use Legislation**

ORDINANCE # 005-2013

AN ORDINANCE AMENDING CHAPTER 175, LAND USE LEGISLATION,  
OF THE CODE OF THE TOWN OF HAMMONTON,  
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

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

**I. PURPOSE:** The purpose of this Ordinance is to amend Chapter 175, Land Use Legislation, of the Code of the Town of Hammonton in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, wetlands management and forestry, effective April 6, 2009, December 1, 2009 and March 1, 2010, respectively.

**II. Article II, Definitions, §175-10, Terms defined, is hereby amended by replacing or adding the following definitions:**

**ARTIFICIAL REGENERATION** - The establishment of tree cover through direct or supplemental seeding or planting.

**BEDDING** – A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

**BROADCAST SCARIFICATION** - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

**CLEARCUTTING** - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clear cutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

**COPPICING** - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

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**DISKING** - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area

**DRUM CHOPPING** - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

**FORESTRY** - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelter wood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

**FOREST STAND** - A uniform group of trees of similar species, composition, size, age and similar forest structure.

**GROUP SELECTION** - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

**IMPERMEABLE SURFACE** — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of  $10^{-7}$  cm/second at the maximum anticipated hydrostatic pressure. The term "impermeable" is equivalent in meaning.

**IMPERVIOUS SURFACE** — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

**INDIVIDUAL SELECTION** - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

**NATURAL REGENERATION** - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

**PERMEABILITY** - The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

**PINELANDS NATIVE FOREST TYPE** – See N.J.A.C. 7:50-6.43.

**RESOURCE MANAGEMENT SYSTEM PLAN**- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

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**ROOT RAKING** - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

**SEED TREE CUT** - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

**SHELTERWOOD CUT** - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelter wood cut involves the establishment of the new forest stand before the old forest stand is removed.

**THINNING** - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

**WETLANDS MANAGEMENT** - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Article XII, Design, Performance and Evaluation Standards, §175-104, Forestry, is hereby amended by replacing Sections 175-104B and C, in their entirety, with the following:

- B. Forestry application requirements. The information in Subsection B(1) or (2) below shall be submitted to the Town Zoning Officer prior to the issuance of any forestry permit:
- (1) For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Pinelands Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.
  - (2) For all other forestry applications:
    - (a) The applicant's name and address and interest in the subject parcel;
    - (b) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
    - (c) The description, including block and lot designation and street address, if any, of the subject parcel;
    - (d) A description of all existing uses of the subject parcel;
    - (e) A brief written statement generally describing the proposed forestry operation;
    - (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
    - (g) A forestry management plan that includes, as appropriate:
      - [1] A cover page for the plan containing:
        - [a] The name, mailing address and telephone number of the owner of the subject parcel;
        - [b] The municipality and county in which the subject parcel is located;

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[c] The block and lot designation and street address, if any, of the subject parcel;

[d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and

[e] The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;

[2] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;

[3] A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:

[a] The number of acres;

[b] The general condition and quality of each stand;

[c] The overall site quality, relative to the management goals and objectives identified in Subsection (2)(g)[2] above;

[d] An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;

[e] The age of representative trees;

[f] The species composition, including over story, under story, ground layer structure and composition;

[g] The stand cohort composition;

[h] The percent cover;

[i] The basal area;

[j] The structure, including age classes, diameter breast height (DBH) classes and crown classes;

[k] The condition and species composition of advanced regeneration when applicable;

[l] A stocking table showing the stocking levels, growth rates and volume;

[m] Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;

[n] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:

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- [i] Stand improvement practices;
  - [ii] Site preparation practices;
  - [iii] Harvesting practices;
  - [iv] Regeneration and reforestation practices;
  - [v] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
  - [vi] Herbicide treatments;
  - [vii] Silvicultural treatment alternatives;
  - [viii] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
  - [ix] Implementation instructions; and
  - [x] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
- [o] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and
- [4] A map of the entire parcel which includes the following:
    - [a] The owner's name, address and the date the map was prepared;
    - [b] An arrow designating the north direction;
    - [c] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
    - [d] The location of all property lines;
    - [e] A delineation of the physical features such as roads, streams and structures;
    - [f] The identification of soil types (a separate map may be used for this purpose);
    - [g] A map inset showing the location of the parcel in relation to the local area;
    - [h] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
    - [i] A legend defining the symbols appearing on the map.
- (h) A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a

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detailed description by the applicant of the measures proposed to meet the standards set forth in §§175-102 and 175-136A;

(i) A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with §175-107;

(j) A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Subsection C(9)(b) below;

(k) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;

(l) Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in Subsection D. below; and

(m) A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and

(n) When prior approval for the forestry activities has been granted by the Zoning Officer or other town approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to §175-60.

C. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:

(1) All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;

(2) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;

(3) The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic White Cedar in cedar and hardwood swamps:

(a) Clear cutting cedar and managing slash;

(b) Controlling competition by other plant species;

(c) Utilizing fencing and other retardants, where necessary, to protect cedar from over browsing;

(d) Utilizing existing streams as cutting boundaries, where practical;

(e) Harvesting during dry periods or when the ground is frozen; and

(f) Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.

(4) All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in §§175-102 and 175-136A. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at [www.nj.gov/pinelands](http://www.nj.gov/pinelands), may be utilized as a guide for meeting these standards;

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- (5) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this section;
- (6) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in §175-107;
- (7) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;
- (8) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:
  - (a) Minimize changes to surface and ground water hydrology;
  - (b) Minimize changes to temperature and other existing surface water quality and conditions;
  - (c) Prevent unnecessary soil erosion, siltation and sedimentation; and
  - (d) Minimize unnecessary disturbances to aquatic and forest habitats.
- (9) The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:
  - (a) In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;
  - (b) Herbicide treatments shall be permitted, provided that:
    - [1] The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to Subsection B(2)(j) above;
    - [2] Control of competitive plant species is clearly necessary;
    - [3] Control of competitive plant species by other, non-chemical means is not practical;
    - [4] All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and
    - [5] In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak under story in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;
  - (c) Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;
  - (d) Disking shall be permitted, provided that:
    - [1] It shall not be permitted in Pine Plains Native Forest Types;
    - [2] Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak under story in order to facilitate pine regeneration, and shall be limited as follows:

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- [a] Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and
- [b] Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.
- [3] It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
- [4] It shall follow land contours when slopes are discernible;
- (e) Root raking shall be permitted, provided that:
  - [1] It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;
  - [2] When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
  - [3] Root raking debris shall not be piled in wetlands;
- (f) Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and
- (g) Drum chopping shall be permitted, provided that:
  - [1] It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuel breaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;
  - [2] It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
  - [3] It shall adhere to the following procedures:
    - [a] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
    - [b] Drums shall remain unfilled when used during the dormant season;
    - [c] Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;
    - [d] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and
    - [e] Avoid short-radius, 180-degree turns at the end of each straight pass.
- (10) The following standards shall apply to silvicultural practices for harvesting:
  - (a) Clear cutting shall be permitted, provided that:

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- [1] It shall not be permitted in Pine Plains Native Forest Types;
  - [2] It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;
  - [3] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clear-cut and the parcel boundaries;
  - [4] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clear-cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
  - [5] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and
  - [6] The area of the parcel subject to the clear-cut shall have contoured edges unless the boundary of the clear-cut serves as a firebreak in which case straight edges may be used;
- (b) Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
  - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;
  - [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
  - [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and
  - [5] The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;
- (c) Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
  - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;
  - [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a

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larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

- [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;
  - [5] The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;
  - [6] Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and
  - [7] Residual seed trees shall be distributed evenly throughout the parcel; and
- (d) Shelter wood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.
- (11) The following standards shall apply to silvicultural practices for forest regeneration:
- (a) Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in Subsection (11)(b) below; and
  - (b) Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:
    - [1] The use of non-native cuttings, seedlings or seeds shall not be permitted;
    - [2] The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;
    - [3] Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and
    - [4] When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.
- (12) Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.
- (13) Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an under story of native plants and/or manage stand composition, density, growth and spatial heterogeneity.
- (14) A copy of the forestry permit issued by the Town Zoning Officer shall be conspicuously posted on the parcel which is the site of the forestry activity.

**IV.** Article XII, Design, Performance and Evaluation Standards, §175-140, Wetlands, is hereby amended by replacing Section 175-140A(5) with the following:

- (5) Fish and wildlife activities and wetlands management in accordance with N.J.A.C. 7:50- 6.10.

**V.** Article XIII, Zoning, §175-145E, Pinelands development credits established, is hereby amended by replacing Sections 175-145E(10)(a), (b) and (d) with the following:

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- (a) In the PA District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces.
- (b) In the AP and AP/CLI Districts: Agriculture; forestry; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; airports and heliports accessory to agricultural uses and which are used exclusively for the storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; and agricultural products processing facilities.
- (d) In the SAP District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; and agricultural employee housing as an accessory use.

VI. Article XIII, Zoning, §175-145J, Density transfer program, is hereby amended by replacing Section 175-145J(3) with the following:

- (3) All noncontiguous lands acquired pursuant to Subsection J(1) and (2) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:
  - (a) The deed of restriction shall permit the parcel to be managed for:
    - [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter;
    - [2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:
      - [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
      - [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;
      - [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection [2][b] above, the deed of restriction shall permit the land to be managed only in accordance with subsection a. above and shall not provide for continuation of any agricultural use on the parcel; and
      - [d] The deed of restriction to be recorded pursuant to Subsection [2][a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

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(b) The deed of restriction shall be in favor of the parcel to be developed and the Town or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Town Solicitor and the Pinelands Commission.

**VII.** Article XIII, Zoning, §175-146, Preservation Area, is hereby amended by replacing Section 175-146F with the following:

F. Fish and wildlife management and wetlands management.

**VIII.** Article XIII, Zoning, §175-146, Preservation Area, is hereby amended by replacing Section 175-146G(6) with the following:

(6) No more than 1% of the parcel will be covered with impervious surfaces.

**IX.** Article XIII, Zoning, §175-146.1, Special Agricultural Production District, is hereby amended by replacing Section 175-146.1F with the following:

F. Fish and wildlife management and wetlands management.

**X.** Article XIII, Zoning, §175-147, Forest Area, is hereby amended by replacing Section 175-147F(5) with the following:

(5) No more than 1% of the parcel will be covered with impervious surfaces.

**XI.** Article XIII, Zoning, §175-148, Agricultural Production District, is hereby amended by replacing Section 175-148F(5) with the following:

(5) No more than 1% of the parcel will be covered with impervious surfaces.

**XII.** Article XIII, Zoning, §175-148, Agricultural Production District, is hereby amended by replacing Section 175-148M with the following:

M. Fish and wildlife management and wetlands management.

Motion by Councilperson Rodio, seconded by Councilperson Esposito, the ordinance is taken up for and passed first reading and given legal publication.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

- 6. Airport Re-Zoning
- 7. Green Acres
- 8. Raso v. Town of Hammonton
- 9. Celona (Railroad Avenue former Gas Station)

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- 10. Revaluation
- 11. Solar Contract Amendment

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, authorize minor changes to solar contract subject to Mr. Lance Miller's review and approval.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Accept Resignation-Charles Templeton-Lake Quality Committee

Motion by Councilperson Bachalis, seconded by Councilperson Carpo, accept the resignation of Charles Templeton from Lake Quality Committee.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Lake Quality Committee Appointment (Mayor Appointment with Confirmation of Council)

Motion by Councilperson Bachalis, seconded by Councilperson Carpo, appoint Steven Mortellite as Lake Quality Committee Alternate 3 Member, to the unexpired 2 year term of Charles Templeton to expire 12/31/13.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Update Residents on Water Conservation

Mayor DiDonato extended himself as well as Jerry Barberio, PWM/BA to residents who wish to meet with either of them concerning water bills and/or water conservation. Mayor DiDonato gave Jerry Barberio's contact number 567-4300 ext. 101 and his own contact number 567-4300 ext. 400.

PWM/BUSINESS ADMINISTRATOR REPORT

1. 2013 ACMJIF Safety Incentive Program Award
2. Assignment Judge Mendez Visit to Court
3. Skinner Demolition – March 25, 2013
4. Bulky – April 8 – April 12
5. Brush – April 15 – April 19
6. Summer Staffing at Public Works/Parks
7. Public Questions

TOWN CLERK REPORT

1. Acknowledge Michael Morton's removal from Fire Co 1 membership rolls eff 2/20/13
2. Hire 1 seasonal highway employee eff April 15, \$10 hr, 40 hr week, no benefits, not to exceed 6 months

Motion by Councilperson Esposito, seconded by Councilperson Pullia, approve Town Clerk Report items 1 and 2.

ROLL CALL

Councilpersons:  
 Bachalis - Yes  
 Carpo - Yes  
 Esposito - Yes  
 Furgione - Yes  
 Pullia - Yes  
 Rodio - Yes  
 Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, approve March 2013 bill list.

ROLL CALL

Councilpersons:  
 Bachalis - Yes  
 Carpo - Yes  
 Esposito - Yes  
 Furgione - Yes  
 Pullia – Yes (recused on insurance payment only)  
 Rodio - Yes  
 Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance - Amend Town Code to reflect the 2012 Property Maintenance Code

The Clerk advised that she will need to pull this ordinance for further review by the Solicitor.

RESOLUTIONS

#R036-2013 Apply for Recycling Tonnage Grant

RESOLUTION # 036-2013

RESOLUTION AUTHORIZING GRANT APPLICATION  
FOR **RECYCLING TONNAGE GRANT FOR YEAR 2012**

- WHEREAS,* The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,* It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,* The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,* The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,* A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of the municipality to recycling and to indicate the assent of the Town of Hammonton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,* Jerry Barberio, PWM/BA, is herein designated as the individual authorized to ensure that the application is properly completed and timely filed.

*NOW, THEREFORE BE IT RESOLVED* by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the Town of Hammonton hereby endorses this submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and therefore designates Jerry Barberio, PWM/BA, to ensure that the application is properly filed; and

*BE IT FURTHER RESOLVED* that the monies received from the Recycling Tonnage Grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purpose of recycling; and

*BE IT FUTHER RESOLVED* that the Mayor, Town Clerk and Jerry Barberio, PWM/BA, are hereby authorized to execute any and all documents in furtherance of this Resolution.

#R037-2013 Authorize Various Refunds

#R037-2013

A RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE TOWN OF HAMMONTON  
AUTHORIZING VARIOUS REFUNDS

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the following refunds are authorized as approved by the respective Department Heads of the Town of Hammonton:

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Christopher Pistone                                      Planning Board Escrow 1162                                      \$2,400.45

#R038-2013 Setting Salary for Assistant Water Treatment Plant Operator

#R038 - 2013  
R E S O L U T I O N

WHEREAS, the Mayor and Common Council of the Town of Hammonton, by Ordinance fixed a salary range for the employment of the certain employees of the Town of Hammonton, County of Atlantic, New Jersey; and

WHEREAS, said ordinance provides that the amount to be paid to such employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council; and

WHEREAS, the time of service of any employee shall be computed as commencing in January of the year when the employee was hired.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey as follows:

Employee	Title	Salary Eff. 10/23/12	Salary Eff. 3/1/13
Michael Ott	Assistant Water Treatment Plant Operator	\$67,000.00	\$70,000.00

#R039-2013 Authorize Good Friday Spanish Procession and Road Closure

RESOLUTION #039-2013

RESOLUTION AUTHORIZING AND ENDORSING  
THE ANNUAL "SPANISH COMMUNITY GOOD FRIDAY PROCESSION"

WHEREAS, St. Mary of Mt. Carmel Parish/St. Joseph's Church continues to promote the Town of Hammonton with their annual "Spanish Community Good Friday Procession"; and

WHEREAS, Mayor and Council has and continues to support the efforts of St. Mary of Mt. Carmel Parish/St. Joseph's Church; and

WHEREAS, **Friday March 29, 2013, at 4:00 p.m.** is the scheduled date for the Spanish Community Good Friday Procession; and

WHEREAS, St. Mary of Mt. Carmel Parish/St. Joseph's Church has requested assistance of the Town of Hammonton Police Department for this scheduled event and closure of the following streets in the Town of Hammonton for stations of the cross and procession:

- From St. Mary of Mt. Carmel Parish/St. Joseph's Church (N. Third St.) to French Street
- Right onto Packard Street
- Right onto Pleasant Street
- Right onto N. Third Street
- Return to Church (N. Third Street)

**CM 3-18-13**

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 the Spanish Community Good Friday Procession is acknowledged and endorsed by the Town of Hammonton; and

BE IT FURTHER RESOLVED that the necessary certificate of insurance has been filed with the Town Clerk.

#R040-2013 – Authorize Emergency Appropriation

RESOLUTION #R 040-2013

WHEREAS, an emergent condition has arisen with respect to The Town of Hammonton's settlement of the Landfill Judgment and no adequate provision has been made in the 2013 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the 2013 Budget pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$227,500.00,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for The Landfill Judgment in the amount of \$227,500.00
2. That said emergency temporary appropriation will be or has been provided for in the 2013 budget under the title of: Judgment
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

#R041-2013 Amending #R131-2011 Endorsing ROSI

R#041-2013

RESOLUTION ENDORSING CONDITIONS TO THE RECREATION  
AND OPEN SPACE INVENTORY (ROSI)  
AMENDING RESOLUTION R#131-2011

WHEREAS, on December 19, 2011 Mayor and Council adopted a Resolution endorsing conditions to the Recreation and Open Space Inventory (ROSI); and

WHEREAS, the purpose of the December 19, 2011 Resolution was to memorialize that the listing on the ROSI of the properties known as the "Boyer Avenue Site" was to allow secondary recreation use, subject to the primary use of these properties as a site for disposal of treated effluent as required by the New Jersey Department of Environmental Protection's Environmental Infrastructure Financing Program (EIFP) and the Pinelands Commission; and

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program has requested that the Town clarify its original Resolution to include a chronological history of the acquisition of and a listing of those properties comprising the "Boyer Avenue site" as financed by the EIFP; and

WHEREAS, the attached itemization, which is hereby incorporated into this Amended Resolution, lists the properties originally referenced in the December 19, 2011 Resolution as the "Boyer Avenue Site" (and now listed on the Town's ROSI as the "Hammonton Recreation Complex"); and

**CM 3-18-13**

WHEREAS, the Green Acres Program has also asked the Town to amend its original resolution to clarify that the Program does not have the authority to authorize the installation of public utilities on the Boyer Avenue Site/Hammonton Recreation Complex, but, rather, accepts the listing of the Boyer Avenue Site/Hammonton Recreation Complex properties on the ROSI subject to any preexisting rights and/or plans of the Town for such installation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton of the County of Atlantic, State of New Jersey that Resolution #131-2011 be and hereby is amended by the contents of this Resolution; and

BE IT FURTHER RESOLVED, that this amending Resolution shall be incorporated as part of the Town of Hammonton's Recreation and Open Space Inventory on file with the Department of Environmental Protection/Green Acres Program.

Motion by Councilperson Rodio, seconded by Councilperson Esposito, resolutions 36-41 are adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

No one desired to be heard.

MEETING ADJOURNED

Motion by Councilperson Carpo, seconded by Councilperson Bachalis, the meeting is adjourned.  
Motion carried.

April Boyer Maimone, Municipal Clerk