

December 15, 2020

A Regular Meeting of the Piscataway Township Council was held on December 15, 2020 via the telephone meeting format, Zoom. The meeting was called to order by Council President, Gabrielle Cahill, at 7:30 pm.

Mrs. Cahill made the following Statement, in compliance with the Open Public Meetings Act: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time, date, location and, to the extent known, the agenda by posting a copy of the notice on the Municipal Building, Municipal Court and the two Municipal Library Bulletin Boards, providing a copy to the official newspapers of the Township and by filing a copy in the office of the Township Clerk in accordance with a certification by the Clerk which will be entered in the minutes.

On roll call, there were present: Messrs. Bullard, Cahn, Lombardi, McCullum, Shah, Uhrin, and Cahill. Mrs. Cahill led the salute to the flag.

No comments from Administration and Council on the Adjournment of any Agenda items.

Mrs. Cahill opened the meeting to the Public for comments regarding the Consent Agenda Items. There being no comments this portion of the meeting was closed.

The Clerk read for SECOND READING the following ORDINANCE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,650,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Piscataway, in the County of Middlesex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$7,000,000, including the aggregate sum of \$350,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$6,650,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Various road improvements, including Adams Street (from Hamilton Boulevard to Carlton Club Drive), including all work and materials necessary therefor and incidental thereto.	\$500,000	\$475,000	10 years

b) Improvements to Drake Lane: Phase 4, including curbs and sidewalks (from Suttons Lane to Wood Lake Drive), including all work and materials necessary therefor and incidental thereto.	\$2,300,000	\$2,185,000	10 years
c) Various park improvements, including, but not limited to, playground equipment replacements, playground shelter improvements, repaving and restripping of parking lots, landscaping and improvements to ballfields, including all work and materials necessary therefor and incidental thereto.	\$1,500,000	\$1,425,000	10 years
d) Improvements to road curbs, sidewalks and driveways and the ADA Ramp Program, including all work and materials necessary therefor and incidental thereto.	\$1,000,000	\$950,000	10 years
e) Annual road rehabilitation to various roads throughout the Township, as more specifically described on a list on file in the Office of the Clerk, which is hereby incorporated by reference as if set forth at length, including asphalt paving and milling, including all work and materials necessary therefor and incidental thereto.	\$1,000,000	\$950,000	10 years
f) Various Municipal building improvements, including, but not limited to design, building improvements and heating, ventilation and air conditioning improvements.	<u>\$700,000</u>	<u>\$665,000</u>	10 years
TOTAL:	<u>\$7,000,000</u>	<u>\$6,650,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Director of Finance; provided that no bond anticipation note shall mature later than one year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Director of Finance. The Director of Finance shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the Director of Finance's signature upon the bond anticipation notes shall be conclusive evidence as to all such

determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The Director of Finance is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Director of Finance is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$6,650,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$220,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The Director of Finance of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Director of Finance is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mrs. Cahill opened the Meeting to the Public for Comments: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,650,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. There being no comments this portion of the meeting was closed.

RESOLUTION offered by Mr. Bullard, seconded by Mr. Cahn: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,650,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was introduced on the 24th day of November, 2020 and had passed the first reading and was published on the 28th day of November, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on December 15, 2020, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2020-32.

On roll call vote: Messrs. Bullard, Lombardi, McCullum, Shah, Uhrin, and Cahill answered yes.

The Clerk read for SECOND READING the following ORDINANCE: ORDINANCE APPROPRIATING \$2,000,000 FROM THE AFFORDABLE HOUSING TRUST FUND FOR PHASE 2 OF THE SENIOR HOUSING STERLING VILLAGE BUILDING FACILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. \$2,000,000 is hereby appropriated from the Affordable Housing Trust Fund for Phase 2 of the Senior Housing Sterling Village building facility improvements, as more specifically described on a list on file in the Office of the Clerk, which is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto in and by the Township of Piscataway, in the County of Middlesex, New Jersey (the "Township").

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Mrs. Cahill opened the Meeting to the Public for Comments: ORDINANCE APPROPRIATING \$2,000,000 FROM THE AFFORDABLE HOUSING TRUST FUND FOR PHASE 2 OF THE SENIOR HOUSING STERLING VILLAGE BUILDING FACILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY. There being no comments this portion of the meeting was closed.

RESOLUTION offered by Mrs. Lombardi, seconded by Mr. Shah: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that: ORDINANCE APPROPRIATING \$2,000,000 FROM THE AFFORDABLE HOUSING TRUST FUND FOR PHASE 2 OF THE SENIOR HOUSING STERLING VILLAGE BUILDING FACILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY was introduced on the 24th day

of November, 2020 and had passed the first reading and was published on the 28th day of November, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on December 15, 2020, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2020-33.

On roll call vote: Messrs. Bullard, Lombardi, McCullum, Shah, Uhrin, and Cahill answered yes.

The Clerk read for SECOND READING the following ORDINANCE: ORDINANCE APPROPRIATING \$1,500,000, \$750,000 OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND AND \$750,000 OF WHICH IS FROM DEVELOPER'S CONTRIBUTIONS FOR PRELIMINARY PLANNING AND ENGINEERING EXPENSES FOR FUTURE ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. \$1,500,000 is hereby appropriated, \$750,000 of which is from the Capital Improvement Fund and \$750,000 of which is from developer's contributions for preliminary planning and engineering expenses for future road improvements, including, but not, limited to, Blue Ridge Avenue, Ethel Road West, Hanover Street, Holly Lane, Levgar Street, Pearl Street, Second Avenue Phase III, Stratton Street South and Wickly Street, including all work and materials necessary therefor and incidental thereto in and by the Township of Piscataway, in the County of Middlesex, New Jersey (the "Township").

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Mrs. Cahill opened the Meeting to the Public for Comments: ORDINANCE APPROPRIATING \$2,000,000 FROM THE AFFORDABLE HOUSING TRUST FUND FOR PHASE 2 OF THE SENIOR HOUSING STERLING VILLAGE BUILDING FACILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY. There being no comments this portion of the meeting was closed.

RESOLUTION offered by Mr. Bullard, seconded by Mr. Cahn: BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that: ORDINANCE APPROPRIATING \$1,500,000, \$750,000 OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND AND \$750,000 OF WHICH IS FROM DEVELOPER'S CONTRIBUTIONS FOR PRELIMINARY PLANNING AND ENGINEERING EXPENSES FOR FUTURE ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY was introduced on the 24th day of November, 2020 and had passed the first reading and was published on the 28th day of November, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on December 15, 2020, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2020-34.

On roll call vote: Messrs. Bullard, Lombardi, McCullum, Shah, Uhrin, and Cahill answered yes.

The Clerk read for SECOND READING the following ORDINANCE: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER II (2), ADMINISTRATION, CHAPTER VII (7), TRAFFIC, CHAPTER XII (12), PARKS AND RECREATION AREA, CHAPTER XIV (14), BUILDING, CHAPTER 17, PROPERTY MAINTENANCE, CHAPTER 19A, LAND USE PROCEDURES, CHAPTER XXIII (23), SEWERS AND WASTEWATER, AND THE SALARY, COMPENSATION AND CLASSIFICATION PLAN FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP, ADDING CHAPTER XV (15), SHORT TERM RENTALS, REPLACING CHAPTER XXXII (32),

IN REGARD TO STORMWATER MANAGEMENT AND CONTROL AND THE CREATION OF A STORMWATER UTILITY

WHEREAS, the Mayor and Township Council of the Township of Piscataway, Middlesex County, finds it in the best interest of the public to amend Chapter II, Administration, Chapter VII, Traffic, Chapter XII, Parks and Recreation Area, Chapter XIV, Building, Chapter 17, Property Maintenance, Chapter 19A, Land Use Procedures, Chapter XXIII, Sewers and Wastewater, and the Salary, Compensation and Classification Plan for the officials and employees of the Township, to add Chapter XV, Short Term Rentals and to replace Chapter XXXII, Stormwater Management and Control while also creating a stormwater utility in Chapter XXXII of the Revised General Ordinances of the Township of Piscataway; and

WHEREAS, the Township of Piscataway (the "Township"), along with the entire State of New Jersey, faces an extensive set of problems due to inadequate stormwater infrastructure and management, and these problems directly affect the health, safety, economic well-being, and quality of life of both Township residents and New Jersey residents alike; and

WHEREAS, when storms occur, rainwater runs off of impervious surfaces such as roads, roofs, and parking lots, and into stormwater management systems and waterways and carries with it oil, pesticides, other chemicals, sediments, and bacteria that may contaminate Township waters, potentially making them unsafe for drinking, fishing, and recreational purposes; and

WHEREAS, if a stormwater management system is not in place or is not able to adequately absorb, capture, or convey stormwater, then runoff in large volume and force may cause flooding and damage to homes, businesses, and property; and

WHEREAS, Establishment of local stormwater utilities presents an effective management strategy to address stormwater issues and, currently, there are more than 1,500 stormwater utilities operating in 40 states across the country and the District of Columbia; and

WHEREAS, Stormwater utilities are often authorized to assess fair and equitable fees to fund the development, improvement, and management of stormwater infrastructure; and

WHEREAS, Township determines that it is in the public interest to establish a stormwater utility, pursuant to N.J.S.A. 40A:26B-1 et seq., and to assess fees that are based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from any real property, in order to finance the improvement of the Township's stormwater infrastructure and protect the health, safety, and welfare of its residents as well as the environment; and

BE IT THEREFORE ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that Chapter II, Section 33, Chapter II, Section 34, Chapter II, Section 51 and Chapter II, Section 56, are hereby deleted and replaced as follows; and

**CHAPTER II
ADMINISTRATION**

* * *

2-33 RESERVED

2-34 RESERVED

* * *

2-51 RESERVED

* * *

2-56 RESERVED

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BE IT FURTHER ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that Chapter II, Administration, Chapter VII, Traffic, Chapter XII, Parks and Recreation Area, Chapter XIV, Building, Chapter 17, Property Maintenance, Chapter 19A, Land Use Procedures, Chapter XXIII, Sewers and Wastewater, the Salary, Compensation and Classification Plan for the officials and employees of the Township of

the Revised General Ordinances of the Township of Piscataway are hereby amended, Chapter XV, Short Term Rentals is hereby added and Chapter XXXII, Stormwater Management and Control is hereby replaced effective March 2, 2021, with additions shown in italics and deletions shown in brackets with text as follows:

**CHAPTER II
ADMINISTRATION**

2-42 [ENVIRONMENTAL ADVISORY COMMISSION] GREEN INITIATIVES COMMITTEE

Within the Department of Administration there shall be a[n] [Environmental Advisory Commission] *Green Initiatives Committee* consisting of [seven] *three (3)* members appointed by Mayor. [All members shall be residents of Piscataway Township, and at least] *The members shall consist of: 1) [of them shall be a] a member of the Piscataway Township Planning Board[,] 2) a Township Staff member; and 3) a resident of the Township.* The Mayor shall designate one member to serve as Chairman. Each member shall serve for a term of three years or until his successor is appointed and qualified, with the terms of approximately 1/3 of the members expiring each year. The vacancy on the [Commission] *Committee*, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointment. The [Environmental Advisory Commission] *Green Initiatives* Committee shall:

- a. Advise the Mayor as to *green initiatives that the Township may consider implementing.* [method and plan for the protection, development, and use of natural resources, including water resources, within the Township.]
- b. Advise as to the coordination of activities of unofficial bodies with similar goals.
- c. Advise and assist the Mayor and Administrator as to the advertising, preparation, printing, and distribution of literature, maps, books, circulars and pamphlets which, in the *Commission's* judgment, are necessary for its purposes.
- [d. Maintain an index of all open areas, publicly or privately owned, including open marsh lands, swamps and other wet lands, and recommend to proper officials plans and programs for inclusion in a Municipal Master Plan and the development use of these areas.]

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**CHAPTER VII
TRAFFIC**

7-25 VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS.

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Name of Street	Tons	Location
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Terrace Court	4 tons	Entire length
<i>Third Avenue</i>	<i>4 tons</i>	<i>Possumtown Road to Hancock Road</i>

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CHAPTER XII

PARKS AND RECREATION AREA

12-9 USE OF DRONES AND UNMANNED AIRCRAFTS WITHIN PARKS.

12-9.1 Definitions

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (“GPS”) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Aircraft” means any apparatus invented, used, or designed to navigate or fly in the air.

“Firearm” has the meaning ascribed to the term in N.J.S.A. 2C:39-1.

“Hobby or Recreational Purposes” means a pursuit outside one’s regular occupation, not for business purposes and not for compensation or hire.

“Operate” means to pilot, steer, direct, fly or manage an unmanned aircraft through the air whether from within the aircraft or remotely. The term operate includes managing or initiating a computer system that pilots, steers, directs, flies or manages an unmanned aircraft

“Sensing Device” means a device capable of acquiring images, audio and other data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, Wi-Fi, or other data frequencies).

“Small Unmanned Aircraft” means an unmanned aircraft that weighs less than or equal to 0.55 pounds, excluding toy aircraft.

“Surveillance” means the gathering, without permission in a manner that is offensive to a reasonable person, visual images, physical impressions, sound recordings, data or other information involving the private, personal, business or familial activities of another person, business or entity or that otherwise intrudes upon the privacy, solitude or seclusion of another person, business or entity, regardless of whether a physical trespass onto real property owned, leased or otherwise lawfully occupied by such other person, business or other entity, or into the airspace above real property owned, leased or otherwise lawfully occupied by such other person, business or other entity, occurs in connection with such surveillance

“Toy Aircraft” means (a) a glider or hand-tossed unmanned aircraft that is not designed for and is incapable of sustained flight; and (b) an unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire.

“Unmanned Aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

“Weapon” means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

12-9.2. Requirements for Permit

Any person who wishes to fly any Aircraft other than Toy Aircraft within any Park or on any Piscataway Township (together “Parks”) must obtain a permit from the Township and produce personal identification (driver’s license, State ID or passport) when applying for same.

Any Aircraft larger than a Small Unmanned Aircraft, as defined in §12-9.1 above, shall also be required to:

- 1) Register their aircraft with the FAA (instructions can be obtained at: www.faa.gov)
- 2) Obtain insurance coverage (can be obtained from the Academy of Model Aeronautics (AMA) by signing up for a yearly membership)

The above documentation must be presented to the Township in order to obtain a permit from the Township to conduct any Aircraft flight(s) within any of the Parks.

12-9.3. Permit Fee.

The fee for said Permit as required in §12-9.2 shall be \$25.00 for each calendar year.

12-9.4. Regulations.

Except as otherwise provided in §12-9 or authorized by Permit, the following regulations are to be applied to any Unmanned Aircraft as defined in §12-9.1 and is to be flown within any Parks:

- 1) *The aircraft must remain well clear of and cannot, under any circumstances, interfere with manned aircraft operations.*
- 2) *The aircraft cannot be flown over and must be kept at least 100 feet away from any individuals, vehicles, and structures within any of the Parks*
- 3) *The pilot/spotter(s) are responsible for keeping the aircraft no more than 400 feet off the ground.*
- 4) *The aircraft must be marked with its registration number at all times and said number must be visible on an outside surface of the aircraft.*
- 5) *Flying is not permitted in adverse weather conditions such as in high winds or reduced visibility.*
- 6) *Flying is not permitted if the pilot/spotter(s) are under the influence of alcohol or drugs.*
- 7) *The pilots/spotter(s) must be competent and proficient with regard to the operation of the aircraft and are responsible for ensuring that the operating environment is safe.*
- 8) *The surveillance or photographing of any persons in areas where there is an expectation of privacy is prohibited without the individual's permission.*
- 9) *Aircrafts may be flown from 10:00 A.M. until dusk.*
- 10) *Only one (1) Aircraft is allowed in the air at any one (1) park at a time.*
- 11) *Must abide by any additional restrictions required by the Chief of Police, Director of Recreation, or Public Safety Director as provided in the issued Permit.*
- 12) *May only fly in the designated area or Park at the specified times as delineated in the Permit.*

12-9-5. Exceptions.

- A. *This chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization or servicing the*

Township, the State of New Jersey, or the United States government for lawful purposes and in a lawful manner.

- B. This chapter shall not prohibit any state or federal agencies from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to federal and state regulations.*
- C. This chapter shall not prohibit the use of drones by not-for-profit, licensed, or accredited educational research colleges, universities, or scientific institutions for educational, scientific, environmental, or resource management purposes in the airspace over any of the Parks within the Township. This chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner's consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.*
- D. This chapter shall not prohibit individuals and entities from the use of drones during the daylight hours for business purposes in the airspace within the boundary lines of any of the Parks, except that data collection shall be limited to data collection of and relating to any of the Parks, if the Township provides consent for same*
- E. Notwithstanding the provisions of this chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific Federal Aviation Administration (FAA) regulations, if any.*
- F. This chapter shall not prohibit the use of unmanned aircraft by any federal, state, and local agencies, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner.*

12-9.6. Violations

The Township Police Department shall be responsible for the issuance of any and all violations related to this section. Any person who violates the provisions of this section shall be subject to a fine of \$100.00 for any first offense and a fine of \$250.00 for any subsequent offense.

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CHAPTER XII

PARKS AND RECREATION AREA

12-10 DISPLAY OF FLAGS.

- A. In addition to the Flag of the United States, the Township of Piscataway (the "Township") may display such additional flags on Township owned flagpoles on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.*
- B. The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (4 U.S.C.S. §§ 1-10).*
- C. The Township's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles are to be used exclusively by the Township, where the Council may display a commemorative flag as a form of government expression. However, the Township will allow the display of a flag on the Township Senior Center flagpole upon application to and approval from the Township.*

D. No person shall display or place upon any flagpole owned by the Township any flag or other object not otherwise authorized as an expression of government speech by the Township and without the express written permission of the Township.

E. In addition to the Flag of the United States and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Township as a form of expression of government speech, in the manner set forth above:

- 1) Flag of the State of New Jersey
- 2) P.O.W./M.I.A (Prisoner of War/Missing in Action)) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902)

F. Nothing contained herein is intended to abridge the right of the citizens of the Township to petition or request the Township Council to authorize an expression of government speech.

* * *

CHAPTER XIV

BUILDING

14-1 STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT

* * *

14-1.3 Fees

a. The fee for a construction permit shall be the sum of the subcode fees listed below. Said fee shall be paid prior to issuance of a permit. Where the fee is calculated per \$1,000, same shall refer to the cost of the item.

* * *

2. The Plumbing Subcode fees shall be as follows:

	Commercial	Residential
--	------------	-------------

* * *

Grease traps	\$91[85]	\$91[85]
Backflow preventer	\$91	\$91
Annual inspection filing	\$60[40]	[\$85]
Backflow preventer		
Boiler	\$91[85]	\$91[60]

* * *

[Sewer repair]		[\$80]
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* * *

7. The fees for certificates of occupancy shall be as follows:

* * *

e) Certificate of continued occupancy for *residential*, commercial or industrial building: \$300[200].

* * *

12. In the event any of the aforementioned fees are increased, decreased, added or deleted by the New Jersey Department of Community Affairs, the fee schedule for the Building and Construction Regulation Division of the Township shall be amended accordingly.

a) *The fee for an application for a variation in accordance with N.J.A.C. 5:23-2:10 shall be \$821.00 for class 1 structures and \$168.00 for class 2 and class 3 structures. The fee for resubmission of an application for a variation shall be \$321.00 for class 1 structures and \$ 91.00 for class 2 and class 3 structures.*

14-1.4 [(Reserved)] Mechanical Subcode

The fee for a mechanical inspection in a structure of Group R-3 or R-5 by a mechanical inspector shall be \$60 for the first device and \$15 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

* * *

14-4 CERTIFICATES OF OCCUPANCY AND CONTINUED OCCUPANCY

* * *

14-4.3 Certificates of occupancy and continued occupancy.

* * *

b. A municipal certificate of continued occupancy ("CCO") is hereby required as a precondition for the continued occupancy, in whole or in part, of any existing residential dwelling[.], *and any commercial, industrial and office structures.*

* * *

d. A CCO is a document issued by the Township upon a determination that an existing residential dwelling continues to remain fit for human habitation *or a commercial, industrial or office structure remains fit for human occupancy* in accordance with the provisions of the Uniform Construction Code, ordinances of the Township of Piscataway, and any other national laws, codes, rules and regulations.

e. No owner or agent shall sell, *lease, rent,* transfer or grant with right of occupancy, whether or not for monetary or other consideration, any new or existing dwelling, unit or premises on which a building or structure is located and used for human occupancy *or a commercial industrial or office structure used for human occupancy* unless a CO, or CCO, as the case may be, is first obtained from the Township, after submittal of a complete application therefor and the fee provided for herein. The Township Construction Official and/or the Supervising Official *and/or Zoning Officer* shall be afforded the opportunity to inspect the building, structure and/or premises by the owner, and said owner shall consent to said inspection(s).

f. *Continued certificates of occupancy are required upon a change of tenancy of commercial, industrial and office usages in the Township. It shall be the responsibility of the Zoning Officer to receive and review such applications. The review shall include, but not be limited to, a description of the proposed use, the hours of operation, the number of employees, the parking requirements, the nature of deliveries or shipments, etc. A certificate of occupancy shall not be issued for a change of tenancy until the new tenant has registered with the Fire Prevention Bureau and has met the requirements of the New Jersey Uniform Fire Code.*

- g. [f.] The owner of a residential dwelling unit is hereby charged with responsibility for making written application in accordance with this section for a CCO. The buyer *or tenant* of such dwelling *or structure* may elect to assume the seller's responsibility, including the obligation to correct all violations; provided, however, that such election shall be in writing and shall state that the buyer *or tenant* is totally aware that he, she or it is assuming responsibility for obtaining a CCO pursuant to this section; and provided, further, that such written election shall be filed with the Supervising Official. If, in the opinion of the Supervising Official, the violations do not affect life safety, then the buyer *or tenant* may be permitted to occupy the residential unit during the time the violations are being corrected. The buyer shall not occupy the [residential] *structure* until all life safety violations are corrected and the [residential unit] *structure* is reinspected by the Township. Upon correction of all violations of any nature, the buyer *or tenant* shall request the Township to reinspect the [residential unit] *structure* for compliance. Upon the Township determining that buyer *or tenant* is in complete compliance, an unconditional CCO shall be issued.
- h. [g.] The Supervising Official shall issue a [residential] CCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established, after site inspection and investigation of available municipal records, that the alleged use of the [building or] structure has lawfully existed. The CCO shall evidence only that a general inspection of the visible parts of the building or structure has been made and that no violations of N.J.A.C. 5:23-2.14, as amended (Construction Permits — When Required), and N.J.A.C. 5:23-2.18, as amended (Required Inspections), have been determined to exist, no conditions of violation of N.J.A.C. 5:23-2.32, as amended (Unsafe Structures), or unsafe conditions have been observed and no violations of the Revised General Ordinances of the Township of Piscataway have been found to exist.
- i. [h.] If the Supervising Official, as the result of a permit records search and/or a general inspection of visible parts of the structure, finds a violation as set forth in subsection e, he shall notify the owner of the violation in writing by electronic or regular mail or by hand-delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action required, along with a compliance date. The notice will require the owner to satisfy the violations and file any necessary permits as required, and the notice shall also state that failure to correct the violations within the times specified shall result in fines as prescribed in the Uniform Construction Code.
- j. [i.] A temporary certificate of continued occupancy, if issued, in the discretion of the Supervising Official, shall be effective for a period of up to 90 days. One administrative extension of not more than 30 days may be granted by the Supervising Official. If the owner of the dwelling unit fails to sell, transfer or grant the right of occupancy within this period, the owner shall make a new written application for and obtain a new CCO.
- k. [j.] A CO and CCO shall be valid for a period of six months from the date of issue, unless a change in occupancy has occurred, and must be renewed for each occupancy.
- l. *The following fees must accompany an application for a CCO for a commercial, industrial or office usage*
1. *25,000-50,000 sq. ft.: \$1,000.00*
 2. *50,000 sq. ft. or greater: \$1,500.00*
 3. *Temporary Municipal Continued Certificate of Occupancy for commercial or office uses: \$150.00*
 4. *Temporary Municipal Continued Certificate of Occupancy for industrial uses:*

\$500.00

* * *

CHAPTER XV
SHORT TERM RENTALS

15-1. Authority

In accordance with New Jersey law, a municipality may make and enforce within its limits, all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The Township of Piscataway hereby adopts the within Ordinance in accordance with said authority.

15-2. Definitions

The following terms shall have the meanings indicated below:

“Bed and Breakfast” shall mean a single detached dwelling that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities) for the travelling or vacationing public in up to three (3) guest rooms within said single detached dwelling that is the principal residence of the proprietor of the establishment.

“Dwelling Unit” shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or designed for living, sleeping, cooking and eating, bathing and toilet purposes.

“Owner” shall mean an individual or entity holding title to a property proposed for short-term rental, by way of a legally recorded Deed.

“Owner-Occupied” shall mean the owner of the property resides in the short term rental property (hereinafter “STRP”), or in the principal residential unit with which the STRP is associated on the same lot, and identifies same as his or her Principal Residence as that term is defined in this Section. If the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the STRP, or in the principal residential unit with which the STRP is associated on the same lot, and identify same as his or her Principal Residence as that term is defined in this Section.

“Principal Residence” shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time, and (2) which is most clearly the center of his or her domestic life, and (3) which is identified on his or her driver’s license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute a Principal Residence for purposes of this Ordinance.

“Prohibited Short Term Rental” shall mean the accessory use of a Dwelling Unit for occupancy by someone other than the unit’s owner or permanent resident for a period of less than thirty (30) consecutive days, which Dwelling Unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this Section.

“Property” shall mean a parcel of real property located within the boundaries of the Township of Piscataway, Middlesex County, New Jersey.

“Responsible Party” shall mean both the short-term rental property owner and a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the

property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

“Short-Term Rental” (hereinafter “STR”) shall mean the accessory use of a Dwelling Unit for occupancy by someone other than the unit’s owner or permanent resident for a period of no less than thirty (30) and no more than 180 consecutive days, which Dwelling Unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this Section.

“Short-Term Rental Property” (hereinafter “STRP”) shall mean a residential Dwelling Unit, as defined above, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this Section. Dwelling Units rented to the same occupant for more than thirty (30) continuous days, Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered Short-Term Rental Property.

“Short-Term Rental Property Agent” shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the Township on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

“Short-Term Rental Permit” (STR Permit) shall mean that permit described in section 15-4 below.

“Transient Occupant” shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

15-3. Regulations Pertaining to Short-Term Rentals.

- a. *It shall be unlawful for any Owner of any property within the geographic bounds of the Township of Piscataway, Middlesex County, New Jersey, to rent or operate a Short-Term Rental or Short Term Rental Property in a manner that is contrary to the procedures and regulations established in this Ordinance or applicable State statute. Prohibited Short Term Rentals shall not be permitted within the Township of Piscataway.*
- b. *Short-Term Rentals shall be permitted to be conducted in the following classifications of property in the Township of Piscataway, and only within the limitations imposed herein:*
 1. *Condominium units, where the Condominium Association Bylaws or Master Deed permit a short-term rental, and where the Owner of the unit legally identifies the address as his or her Principal Residence; and*
 2. *Individually or collectively owned single-family residences, which one of the Owners legally identifies as the address of his or her Principal Residence; and*
 3. *One unit within a two-family residential dwelling, where the other unit is occupied by the Owner and legally identified by the Owner as his or her Principal Residence; and*
 4. *No more than one unit in any multi-family residential dwelling, where one other unit in the same dwelling is occupied by the Owner and legally identified by the Owner as his or her Principal Residence, as that term is defined herein; and*

5. *No more than one room within a single-family residential Dwelling Unit, where the room shares common kitchen and bathroom facilities with the occupant of the Dwelling Unit, and the remainder of the single-family Dwelling Unit is occupied by the Owner and is legally identified by the Owner as his or her Principal Residence, as that term is defined herein.*
- c. *Short Term Rental of the following properties is prohibited:*
1. *Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations, do not permit such Short-Term Rental of condominium units in the development; and*
 2. *An individually or collectively owned single-family residential Dwelling Unit, which address none of the Owners legally identify as their Principal Residence; and*
 3. *A unit in a two-family residential dwelling, where the other unit is not occupied by the Owner nor legally identified by the Owner as his or her Principal Residence; and*
 4. *Two or more units in a multi-family residential dwelling, where one of the other units is not occupied by the Owner nor legally identified by the Owner as his or her Principal Residence; and*
 5. *A room or multiple individual rooms within a single-family, two-family or multi-family residential Dwelling Unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the Dwelling Unit in which it is located, which occupant(s) is neither the Owner of the Dwelling Unit nor identifies the remainder of the Dwelling Unit in the single-family, two-family or multi-family residence as his or her Principal Residence.*
- d. *The provisions of this Ordinance shall apply to Short-Term Rentals as defined in Subsection 15-2 above. The following do not qualify as a privately-owned residential Dwelling Unit, as that term is used herein, and therefore do not need to obtain a short-term rental permit pursuant to this Ordinance: any hotel, motel, studio hotel, public or private club, Bed and Breakfast, convalescent home, rest home, home for aged people, boarding houses, rooming houses, dormitories, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, foster homes, community shelters for victims of domestic violence, nursing homes, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.*

15-4. Short-Term Rental Permit, Permit Registration Fee/Application, and Certificate of Occupancy.

- a. *In addition to any land use requirement(s) set forth in the Township of Piscataway Land Use Regulations, the owner/operator of a Short-Term Rental Property shall obtain a Short-Term Rental Permit from the Township of Piscataway Department of Planning & Engineering, before renting or advertising for rent any short-term rental. The application for a Short-Term Rental permit must meet the following initial minimum requirements to be considered for processing by the Township:*

1. *For existing Short-Term Rentals, the applicant must not have had more than two (2) documented and verified instances where the Piscataway Police have been called to address complaints of any type attributable to the Short-Term Rental within the last two (2) years; and*
 2. *For existing Short-Term Rentals, the applicant must have no violations of the Township of Piscataway's noise Ordinance within the last two (2) years. A violation of the Noise Ordinance means a documented violation by the Township of Piscataway Municipal Court; and*
 3. *The applicant must be current with all Township taxes, water and sewage charges; and*
 4. *The applicant must have no open violations from the Township of Piscataway's Code Enforcement.*
- b. *No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the Owner/operator of the property first having obtained a STR Permit issued by the Township of Piscataway Department of Planning & Engineering. The failure to obtain a valid STR Permit prior to advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform, and/or in the Multiple Listing Service (hereinafter "MLS") or any realtor's property listing shall be a violation of this Ordinance. No STR Permit issued under this Section may be transferred or assigned or used by any person or entity, other than the Owner to whom it is issued, or at any property location or Dwelling Unit other than the property for which it is issued.*
- c. *An Owner of property, intended to serve as a Short-Term Rental Property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Township of Piscataway Department of Planning & Engineering, a Short-Term Rental Permit application provided by the Township, along with an annual application/registration fee of two hundred fifty dollars (\$250.00). Said fee shall be non-refundable, including in the event that the application is denied. The short-term rental permit, if granted, shall be valid for a period of one (1) year from the date of issuance.*
- d. *A Short-Term Rental Permit shall be submitted by the Owner for renewal on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Department of Planning & Engineering, a Short-Term Rental Permit application, and a renewal registration fee of two hundred fifty dollars (\$250.00).*
- e. *The Short-Term Rental Permit shall expire automatically when the Short-Term Rental Property changes ownership, and a new initial application and first-time registration fee will be required in the event that the new Owner intends to use the property as a Short-Term Rental Property. A new application and first-time registration fee shall also be required for any Short-Term Rental that had its Short-Term Rental Permit revoked or suspended.*

15-5. Application Process for Short-Term Rental Permit and Inspections.

- a. *Applicants for a Short-Term Rental Permit shall submit, on an annual basis, an application for a short-term rental permit to the Township of Piscataway Department of Planning & Engineering. The application shall be submitted, under oath, on a form specified by said Department, accompanied by the non-refundable application fee as set forth in in Subsection 15-4 above. Such application shall include:*
1. *The name, address, telephone number and email address of the Owner(s) of record of the Dwelling Unit for which a permit is sought. If such Owner is not a natural person, the application must include and identify the names of all*

shareholders, members, partners, officers and/or directors of any such entity, and the personal contact information, including address, email address and telephone numbers for each of them;

- 2. The address of the unit to be used as a short-term rental;*
 - 3. A copy of the driver's license or State Identification Card of the owner of the Short-Term Rental Property, confirming, as set forth in this Ordinance, that the property is the Principal Residence, of the Owner making application for the STR permit;*
 - 4. The Owner's sworn acknowledgement that they comply with the requirement that the Short-Term Rental Property constitutes the Owner's Principal Residence;*
 - 5. The name, address, telephone number and email address of the Short-Term Rental Property Agent, which shall constitute his or her 7 day a week, 24-hour a day contact information;*
 - 6. The name, address, telephone number and email address of the short-term rental property responsible party, which shall constitute his or her 7-day a week, 24-hour a day contact information;*
 - 7. The Owner's sworn acknowledgement that he or she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the permit application;*
 - 8. The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The Owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the short-term rental is located, resulting from excessive vehicles generated by the Short-Term Rental of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;*
 - 9. The Owner's agreement that all renters of the Short-Term Rental Property shall be limited to one (1) vehicle per two occupants in the Short-Term Rental Property;*
 - 10. The Owner's agreement to use his or her best efforts to assure that use of the premises by all Transient Occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and*
 - 11. Any other information that this Chapter requires a property owner to provide to the Township in connection with an application for a rental Certificate of Occupancy. The Business Administrator, or his designee, shall have the authority to obtain additional information from the STRP Owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.*
- b. The Township may, but shall not be required to conduct annual inspections for the STRP's compliance with the Township's fire safety regulations and property maintenance code. In addition, each application may be subject to review to verify the STRP's eligibility for use as a Short-Term Rental and compliance with the requirements in this Ordinance.*
 - c. For a condominium unit Owner submitting a Short-Term Rental Permit application, a letter from the Condominium Association confirming that the Condominium Association*

By-Laws or Master Deed, or Condominium Rules and Regulations permit Short Term Rentals must be submitted with the application.

- d. *A sworn statement shall be required stating that there have been no prior revocations or suspensions of this or a similar license. In the event of prior revocations or suspensions, a Permit shall not be issued, which denial may be appealed as provided hereinafter.*
- e. *Attached to and concurrent with submission of the permit application described in this Ordinance, the owner shall provide:*
 - 1. *Proof of the owner's current ownership of the short-term rental unit; and*
 - 2. *Proof of general liability insurance in a minimum amount of \$500,000.00; and*
 - 3. *Written certifications from the Owner, or short-term rental property agent, and responsible party, as applicable, that they agree to perform all of the respective duties specified in this Ordinance.*
- f. *The STRP Owner/permit holder shall publish the short-term rental permit number issued by the Township in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the Short-Term Rental Property is advertised for rent on a short term basis.*
- g. *Each and every time there is a change of occupancy by Transient Occupants during the year the STRP owner, or STRP agent must provide the Township with information as to the identity of all Transient Occupants who will be occupying the unit, on a form to be made available by the Department of Planning & Engineering or in electronic format on the Township website. The purpose of this requirement is to ensure that the Township shall have basic identifying information of all occupants of the STRP at all times, which information shall include the occupant's or occupants' names and ages, the adult occupants contact information including phone number and email address and the dates of the commencement and expiration of the term of each short-term rental period of the respective occupant(s).*
- h. *Pursuant to N.J.S.A. § 40:48F-1 et. seq., when each and every Short Term Rental ends or there is a change of occupancy by Transient Occupants, the STRP owner, in addition to the State Sales Tax and State Occupancy Fee, shall be subject to a three percent (3%) Municipal Occupancy Tax. This subsection shall only apply to such Short Term Rentals that are obtained through a transient space marketplace or a professionally managed unit.*
- i. *In no event shall a Short-Term Rental Property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all Short-Term Rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one, during the term of the Short Term Rental.*

15-6. Issuance of Permit and Appeal Procedure.

- a. *Once an application is submitted, complete with all required information and documentation and fees, the Department of Planning & Engineering, following any*

necessary investigation for compliance with this Ordinance, shall issue the Short-Term Rental Permit, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.

- b. If denied, the applicant shall have ten (10) business days to appeal the denial, in writing, to the Office of the Township Business Administrator.*
- c. Within thirty (30) days after receipt of such appeal, the Business Administrator or his designee shall hear and decide the appeal.*

15-7. Short-Term Rental Operational Requirements.

- a. All Short-Term Rentals must comply with all applicable rules, regulations and ordinances of the Township of Piscataway and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the Short-Term Rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a Short-Term Rental.*
- b. The Owner of the STRP shall notify the Township of any change in occupancy by providing the Township with the name and contact information for the STRP tenant.*
- c. A Dwelling Unit shall be limited to a single short-term rental contract at a time.*
- d. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a Short-Term Rental property.*
- e. Transient occupants of the STRP shall comply with all ordinances of the Township of Piscataway including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.*
- f. The owner of a STRP shall post the following information in a prominent location within the short-term rental:*
 - 1. Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);*
 - 2. The names and phone numbers for the Responsible Party and the Short-Term Rental Agent (as those terms are defined in this Ordinance);*
 - 3. The phone numbers for the Department of Public Safety, the Township of Piscataway Department of Planning & Engineering, Office of Inspections and Enforcement;*
 - 4. The maximum number of parking spaces available onsite;*
 - 5. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;*
 - 6. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the Township of Piscataway Department of Public Safety, or the Township of Piscataway Department of Planning & Engineering, for violations of, and in accordance with any applicable Ordinance(s) of the Township of Piscataway;*

- g. In the event that any complaints are received by the Township of Piscataway Department of Public Safety, or the Department of Planning & Engineering regarding the Short-Term Rental and/or the Transient Occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.*
- h. While a STRP is rented, the owner, the Short-Term Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Department of Public Safety, or neighbors, arising by virtue of the short-term rental of the property.*
- i. If the STRP is the subject of two (2) or more substantiated civil and/or criminal complaints, the Business Administrator or his designee may revoke the short-term rental permit issued for the property, in which case, the STRP may not submit a new STRP permit application for one (1) year following the date of revocation of the permit.*
- j. Failure to make application for, and to obtain the issuance of, a Short-Term Rental Permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a Summons, and shall subject the STRP owner, the Short-Term Rental Agent, and the Responsible Party to issuance of fines and/or penalties.*
- k. The person offering a Dwelling Unit for Short-Term Rental use must be the Owner of the Dwelling Unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the STRP owner, the Short-Term Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.*
- l. In the event that the Township receives three (3) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the Short-Term Rental Permit for the property is subject to revocation by the Business Administrator or his designee.*
- m. The STRP Owner must be current with all tax water and sewer charges assessed to the property prior to the issuance of a Short-Term Rental Permit. In the event that any code violations have been issued by the Township relating to the STRP, a Short-Term Rental Permit shall not be issued until such time as such violations have been properly abated. The STRP Owner must also close any open construction permits for the property prior to the issuance of a Short-Term Rental Permit.*
- n. All fines or penalties issued by the Municipal Court for the Township of Piscataway for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a Short-Term Rental Permit.*

15-8. Violations and Penalties.

A violation of any provision of the this Ordinance may subject the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents to fines assessed by the Court as follows:

1. First Offense - \$250.00 per day for each day in violation
2. Second Offense - \$1,000.00 per day for each day in violation and a mandatory court appearance
3. Subsequent Offense - \$2,000.00 per day for each day in violation and a mandatory court appearance

* * *

CHAPTER 17
PROPERTY MAINTENANCE
SECTION PM-508 STORM DRAINAGE

Sections 508.1 and 508.2 are hereby deleted and replaced as follows:

PM-508.1 Intent and Purpose: *The implementation of this section will aid the Township by reducing the inflow of unnecessary additional water into the sanitary sewer system and the stormwater collection system. By prohibiting the discharge of water from any roof, basement, sump pump or swimming pool into the Township's sanitary sewer and stormwater collection systems, the Township is seeking to reduce costs as well as protect against potential negative environmental impacts. The Township's sanitary sewer system has on occasions in the past been overloaded and flooded thereby creating significant damage or threat to an individual's property as well as the systems themselves. Further, all water that enters the systems must be treated at the Middlesex County Utility Authority sewage treatment plant. Therefore, by reducing this inflow of "clean water" into the sanitary sewer system and the subsequent unnecessary treatment, the expenses to the Township and its citizens will be reduced and will also assist in protecting the health, safety and welfare of the residents of the Township. Furthermore by restricting sump pump, basement, swimming pool and/or roof drain discharges onto the Township's streets and sidewalks it will protect the number of possible entry points, which if the discharge has become contaminated with oil, grease or other pollutants, will create a negative environmental impact in the community and the waterways in the Township. Extraneous and uncontrolled discharges from sump pump, basements, swimming pools and/or roof drains has resulted in water ponding on surfaces of sidewalks and streets of the Township, which during certain times of the year, freeze, causing substantial hazard to both vehicles and pedestrians. For all these reasons, the Township finds and declares it to be in the best interest to regulate the discharge of roof drains, sump pumps and water from basements and swimming pools for the health, safety, and welfare of the residents of the Township and protect the environment in general.*

PM-508.2 All Properties

The developer or owner of any newly constructed building with a sump pump, basement, swimming pool, and/or roof drain shall, at the developer/owner's sole expense; control the discharge such that any and all flow originating from the sump pump, basement, swimming pool, and/or roof drain is either retained on the property where the discharge originated or directed into the Township's existing stormwater collection system. If the developer/owner elects to retain the sump pump, basement, swimming pool, and/or roof drain discharge on their property from which the discharge has originated, the owner must do so in a way that does not cause any ponding of water on, or flooding of, any neighboring property, even if that neighboring property is owned by the same person. If the owner elects to connect sump pump, basement, swimming pool, and/or roof drain discharges to the Township's existing stormwater collection system, all necessary permits and approval must be obtained from the Township's Supervisor of Engineering or his/her designee. Connection to the Township's stormwater collection system approval or denial is at the sole discretion of the Township. All discharges from sump pump, basement, swimming pool, and/or roof drain must not discharge within any public right of way, within twelve feet of any Township sidewalk or within twenty feet from the curb or street or road. All sump pump, basement, swimming pool, and/or roof drain discharges should

be directed to the front or rear of the property in a sheet flow manner in order to best retain the water on said property and so that water may percolate into the soil.

For properties with a sump pump, basement, swimming pool, and/or roof drain installed and operating prior to the effective date of this ordinance, the owner of a property shall comply with the requirements of this ordinance no later than six (6) months after the effective date of the ordinance, if directed to do so by the Township Supervising of Engineering or his/her designee. The date of compliance shall be within the discretion of the Township Supervisor of Engineering or his/her designee and shall be based upon the extent and frequency of the flow and the potential for jeopardizing the public safety and welfare. Should an inspection result in the discovery of sump pumps, basements, swimming pools, roof drains and/or any other drainage devices being discharged onto Township sidewalks, streets, sanitary sewer, or any other prohibited connection the property owner may be subject to a fine of up to \$1,250.00 and a Municipal Certificate of Continued Occupancy for that property shall not be issued until the property complies with this ordinance.

* * *

CHAPTER 19A

LAND USE PROCEDURES

19A-5.7 PREREQUISITES FOR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

- A. *No Certificate of Occupancy shall be issued by the Municipal Certificate of Occupancy Official to a developer or owner of a piece of property located within the Township if said developer or owner is required, pursuant to the approved final site plans or subdivision plan or subdivision plat maps, to provide the Township with a right of way in fee simple and/or a temporary or permanent easement, or the like, and has not yet recorded same with the Middlesex County Clerk and furnished a recorded copy to the Township.*

* * *

CHAPTER XXIII

SEWERS AND WASTEWATER

23-2.1 CONNECTION FEES

- a. A fee of [~~\$6,000~~] \$4,250.00 shall be paid by the owner of any residential real property for each direct or indirect connection with the sewerage system on which real property there originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the sewerage system. In multiple dwellings, each residence unit shall be deemed a separate connection and shall pay a connection fee for each such dwelling unit.
- b. Each nonresidential use, except as set forth in Subsection c below, shall be charged a minimum fee of [~~\$6,000~~] \$4,250.00 for each 2,905 cubic feet of estimated flow per quarter or major fraction thereof as determined by the Township Engineer based upon data and information supplied to the Township by the applicant and the results of any investigation or inquiry by the Township into actual meter readings or other available information regarding the estimated annual daily average flow for the proposed use.
- c. Each nonresidential, social, civic or not-for-profit entity not substantially utilizing the premises on a daily or full-time basis shall be charged a connection fee of [~~\$6,000~~] \$4,250.00.
- d. *For any residential real property or for each residential unit in a multiple dwelling that are designated as affordable housing units, the cost of a connection fee shall be \$2,125.00.*

* * *

23-2.3 SERVICE CHARGES

* * *

a. Residential users.

1. Private home, single-family: [\$290] \$298.
2. Private home, containing two, three or four individual dwelling units with separate kitchen facilities: number of dwelling units multiplied by [\$290] \$298.
3. Multiple dwellings, containing or comprising five or more individual dwelling units: number of dwelling units multiplied by [\$290] \$298.

* * *

5. *The charges outlined above shall not begin accruing until either a Temporary or Permanent Certificate of Occupancy is issued by the Township.*

* * *

b. Commercial users. Subject to Subsections d and e below, a quarterly fee for all other structures or properties which generate sanitary sewerage and have a sewage flow not in excess of the equivalent of 2,275,000 gallons of domestic wastewater per quarter in a calendar year shall be determined based upon the applicable class and rate schedule as set forth below. All commercial properties containing multiple classes of business shall install water meters provided by New Jersey American Water for each individual unit, in order to allow the Township to accurately calculate service charges pursuant to the applicable class and rates. All commercial users that have multiple classes of business on a single water meter shall be charged at the highest rate of the applicable classes for that meter.

* * *

3. *Charges related to commercial users shall not begin accruing until either a Temporary or Permanent Certificate of Occupancy is issued by the Township upon completion of the demising walls for the property.*

* * *

CHAPTER XXXII STORMWATER MANAGEMENT AND CONTROL

32-1. Scope and Purpose

A. *Policy Statement*

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

B. *Purpose*

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. *This ordinance shall be applicable to the following major developments:*
 - a. *Non-residential major developments; and*
 - b. *Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.*
2. *This ordinance shall also be applicable to all major developments undertaken by the Township of Piscataway.*

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This 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 provisions or higher standards shall control.

32-2. Definitions

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

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

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

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:84.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“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:

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

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“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.

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

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

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

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

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

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

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

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

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

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

“Impervious surface” 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 water seeps into the soil from precipitation.

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

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

1. *The disturbance of one or more acres of land since February 2, 2004;*
2. *The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;*
3. *The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 202; or*
4. *A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.*

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

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

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

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding

the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

"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 substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

"Regulated impervious surface" means any of the following, alone or in combination:

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

"Regulated motor vehicle surface" means any of the following, alone or in combination:

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

"Sediment" 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.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

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

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

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

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

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

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

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

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

“Urban Redevelopment Area” is defined as previously developed portions of areas:

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

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

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

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

32-3. Design and Performance Standards for Stormwater Management Measures

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

32-4. Stormwater Management Requirements for Major Development

- A. *The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.*
- B. *Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).*
- C. *The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:*
 - 1. *The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;*
 - 2. *The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and*
 - 3. *The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.*
- D. *A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:*

1. *The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;*
 2. *The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;*
 3. *Applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and*
 4. *The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.*
- E. *Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at: https://njstormwater.org/bmp_manual2.htm.*
- F. *Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.*

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

Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

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

Wet Pond	50-90	Yes	No	N/A
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Notes to Tables 1, 2, and 3:

- (a) *subject to the applicable contributory drainage area limitation specified at Section IV.O.2;*
 - (b) *designed to infiltrate into the subsoil;*
 - (c) *designed with underdrains;*
 - (d) *designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;*
 - (e) *designed with a slope of less than two percent;*
 - (f) *designed with a slope of equal to or greater than two percent;*
 - (g) *manufactured treatment devices that meet the definition of green infrastructure at Section II;*
 - (h) *manufactured treatment devices that do not meet the definition of green infrastructure at Section II.*
- G. *An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.*
- H. *Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.*
- I. *Design standards for stormwater management measures are as follows:*
- 1. *Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table;*

soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

- 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;*
- 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;*
- 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and*
- 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.*

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.

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

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

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

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

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

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

P. Groundwater Recharge Standards

1. *This subsection contains the minimum design and performance standards for groundwater recharge as follows:*
2. *The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:*
 - i. *Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or*
 - ii. *Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.*
3. *This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.*
4. *The following types of stormwater shall not be recharged:*
 - i. *Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and*
 - 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 and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.*

Q. Stormwater Runoff Quality Standards

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

increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

5. If more than one BMP in series is necessary to achieve the required 80 percent 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, and

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

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

6. Stormwater management measures shall also be designed to reduce, to the

maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.

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

R. Stormwater Runoff Quantity Standards

- 1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.*
- 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:*
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;*
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;*
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or*
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any*

watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

32-5. Calculation of Stormwater Runoff and Groundwater Recharge

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

1. *The design engineer shall calculate runoff using one of the following methods:*

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

<https://www.nrcs.usda.gov/Internet/FSEDOCUMENTS/stelprdb1044171.pdf>

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

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

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

2. *For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).*
3. *In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.*
4. *In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS*

Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

5. *If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.*

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

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

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

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

32-6. Sources for Technical Guidance

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

<http://www.nj.gov/dep/stormwater/bmpmanual2.htm>.

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

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

<https://www.njstormwater.org/maintenanceguidance.htm>.

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

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

32-7. Solids and Floatable Materials Control Standards

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

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

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; or

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

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways,

plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

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

2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;*
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;*
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:*
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or*
 - b. A bar screen having a bar spacing of 0.5 inches.*

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

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

32-8. Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

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

- i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;*
- ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;*

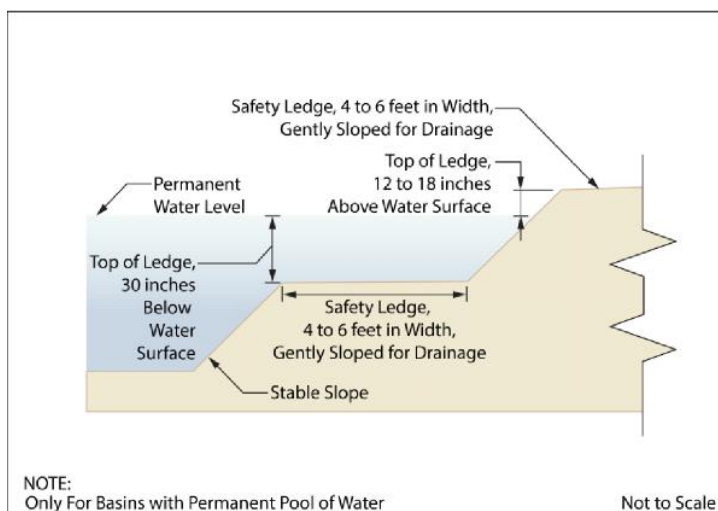
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



32-9. Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.*
- 2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.*
- 3. The applicant shall submit fourteen (14) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.*

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater

recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.*
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.*

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.*
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.*

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

32-10. Maintenance and Repair

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

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

3. *If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.*
 4. *Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.*
 5. *If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.*
 6. *Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.*
 7. *The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:*
 - i. *maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;*
 - ii. *evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and*
 - iii. *retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.*
 8. *The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.*
 9. *In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.*
- C. *Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53*

32-11. Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

1. *Maximum Penalty.*

For violation of any provision of this Article, the maximum penalty upon conviction of the violation shall be by one or more of the following: (a) imprisonment in the County Jail or in any place provided by the Township for detention of prisoners for a term not exceeding 60 days; or (b) a fine not exceeding \$1,000.

2. *Separate Violations.*

Each instance of engaging in a separate regulated activity, in violation of this section shall be deemed a separate offense. Similarly, each and every day in which a violation of any provisions of this section shall constitute a separate violation.

3. *Additional Penalties.*

In addition, the Township may institute civil action for injunctive or other relief to enforce the provision of this section.

* * *

**CHAPTER XXXII
STORMWATER MANAGEMENT AND CONTROL
ARTICLE III
STORMWATER UTILITY**

* * *

32-12 PISCATAWAY TOWNSHIP STORMWATER UTILITY.

32-12.1 *Creation of the Piscataway Township Stormwater Utility*

- a. *The Governing Body of the Township of Piscataway in the County of Middlesex and State of New Jersey in accord with the enabling legislation provided by Title 40A:26B-1 et seq., Stormwater Utilities, of the New Jersey Revised Statutes hereby creates for and in the Township of Piscataway a stormwater utility hereinafter known as “The Piscataway Township Stormwater Utility.”*
- b. *The duties of the Piscataway Township Stormwater Utility are as follows:*
 - 1. *The operation and maintenance of the Township of Piscataway's Stormwater programs and facilities and shall be empowered to make such improvements as may be necessary to further the goals of the Piscataway Township Stormwater Utility and issue bonds in connection therewith.*
 - 2. *Shall have the authority to establish, charge, and collect fees for programs and services as it pertains to the proportionate contribution of stormwater runoff from real property.*
 - 3. *Shall have all such other powers and duties as may be specified and prescribed in the enabling legislation heretofore referenced and in such other applicable law or guidance issued by the NJDEP.*

BE IT FURTHER ORDAINED that the salary, compensation and classification plan for the officials and employees of the Township of Piscataway is established to be effective January 1, 2021, as follows, with additions shown in italics and deletions shown in brackets:

Section 1. The Municipal Base Salary Scales effective January 1, [2017] *2021* for Full-Time Salaried Employees are as follows:

	Minimum	Maximum	Minimum	Maximum
	Hourly Rate/Part Time			
MS1	\$16,000.00	\$(55,000.00] <i>60,000.00</i>	\$8.79/hour	\$30.22/hour
MS2	\$22,700.00	\$(65,000.00] <i>70,000.00</i>	\$12.47/hour	\$35.71/hour
MS3	\$25,700.00	\$(90,000.00] <i>95,000.00</i>	\$14.12/hour	\$49.45/hour
MS4	\$27,000.00	\$105,000.00	\$14.84/hour	\$57.69/hour
MS5	\$31,400.00	\$(120,000.00] <i>125,000.00</i>	\$17.25/hour	\$65.93./hour
MS6	\$32,400.00	\$(135,000.00] <i>140,000.00</i>	\$17.80/hour	\$74.18/hour
MS7	\$36,000.00	\$(145,000.00] <i>160,000.00</i>	\$19.78/hour	\$79.67/hour
MS8	\$42,200.00	\$(180,000.00] <i>195,000.00</i>	\$26.48/hour	\$98.90/hour
MS9	\$62,100.00	\$(230,000.00] <i>240,000.00</i>	\$34.12/hour	\$126.37/hour

Section 2. The Municipal Hourly Base Wage Scales effective January 1, 2017 are as follows:

MH1	\$ 7.87	\$ 33.00
MH2	\$ 16.50	\$ 55.00
MH3	\$ 20.00	\$ 102.75

Section 3. The Municipal Base Salary Scales effective January 1, 2017, for Part-Time Salaried Employees are as follows:

	Minimum	Maximum
PTS1	\$ 64.90	\$ 110.00
PTS2	\$ 440.00	\$ 3,300.00
PTS3	\$ 550.00	\$ 5,500.00
PTS4	\$ 2,200.00	\$11,000.00
PTS5	\$ 8,800.00	\$17,600.00
PTS6	\$ 11,000.00	\$49,500.00
PTS7	\$ 26,400.00	\$82,500.00

Section 4. The Schedule of Position Classification is as follows:

Accounting Clerk	MS1	MH3
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Bus Driver	MS1	MH3
Community Service Coordinator	MS1	MH3
Custodian	MS1	MH3
Handyman	MS1	MH3
Junior Office Assistant	MS1	MH3
Kitchen Aide	MS1	MH3
Meals on Wheels Assistant	MS1	MH3
Personnel Assistant	MS1	MH3
Receptionist	MS1	MH3
Assessing Clerk	MS2	MH3
Head Cashier	MS2	MH3
Lien Coordinator	MS2	MH3
Principal Personnel Assistant	MS2	MH3
Secretary	MS2	MH3
Senior Accounting Clerk	MS2	MH3
<i>Senior Assessing Clerk</i>	<i>MS2</i>	<i>MH3</i>
Senior Office Assistant	MS2	MH3
Senior Tax Clerk	MS2	MH3
Service Maintenance Technician	MS2	MH3
Sewer Utility Cashier	MS2	MH3
Tax Adjuster	MS2	MH3
Tax Cashier	MS2	MH3
Transportation Coordinator	MS2	MH3
Assistant Municipal Treasurer	MS3	MH3
Administrative Assistant	MS3	MH3
Certificate of Occupancy Inspector	MS3	MH3
Code Enforcement Inspector	MS3	MH3
Compliance Officer/ <i>Inspector</i>	MS3	MH3
<i>Elder Care Coordinator</i>	<i>MS3</i>	<i>MH3</i>
Dispatcher	MS3	MH3
Engineering Aid C	MS3	MH3
Equipment Coordinator	MS3	MH3
Housing Coordinator	MS3	MH3
Housing Inspector	MS3	MH3
Laborer	MS3	MH3
Museum Curator	MS3	MH3
Payroll Coordinator	MS3	MH3
Production Facilitator	MS3	MH3

Program Accounts Analyst	MS3	MH3
Program Supervisor	MS3	MH3
Public Works Assistant	MS3	MH3
Purchasing Specialist	MS3	MH3
Secretary – Confidential	MS3	MH3
<i>Administrative Supervisor</i>	<i>MS4</i>	<i>MH4</i>
Administrative Supervisor of Recreation	MS4	MH3
Animal Control Officer	MS4	MH3
Assistant Network Administrator	MS4	MH3
Assistant Property Maintenance & Enforcement Officer	MS4	MH3
Assistant Zoning Officer	MS4	MH3
Deputy Assessor	MS4	MH3
Deputy Municipal Clerk	MS4	MH3
Deputy Municipal Court Administrator	MS4	MH3
Deputy Tax Collector	MS4	MH3
Engineering Aide B	MS4	MH3
Executive Assistant	MS4	MH3
Office Manager	MS4	MH3
Program Supervisor/Recreation	MS4	MH4
<i>Program Supervisor/Equipment Coordinator</i>	<i>MS4</i>	<i>MH3</i>
Purchasing Agent	MS4	MH3
<i>Supervising Certificate of Occupancy Official</i>	<i>MS4</i>	<i>MH4</i>
Supervisor of Property Maintenance & Enforcement	MS4	MH3
Technical Assistant to Construction Official	MS4	MH3
Zoning Officer	MS4	MH3
Assistant Comptroller	MS5	MH3
Assistant Planner	MS5	MH3
Assistant Sanitary Sewer System Operator	MS5	MH3
Assistant Traffic Light Technician	MS5	MH3
Building Mechanic	MS5	MH3
Engineering Aide A	MS5	MH3
Engineering Inspector	MS5	MH3
Equipment Operator A	MS5	MH3
Equipment Operator B	MS5	MH3
Equipment Operator C	MS5	MH3
Fire Inspector	MS5	MH3

Junior Mechanic	MS5	MH3
LAN Administrator	MS5	MH3
Policy Coordinator - Administration	MS5	MH3
Public Information Officer/Social Media	MS5	MH3
Registered Environmental Health Specialist	MS5	MH3
Sanitary Sewer System Operator	MS5	MH3
Senior Building Mechanic	MS5	MH3
Senior Mechanic	MS5	MH3
Sewer TV Truck Operator	MS5	MH3
Station Manager – PCTV	MS5	MH3
Street Sweeper Operator	MS5	MH3
Sub-Code Official – Electrical	MS5	MH3
Sub-Code Official – Plumbing	MS5	MH3
Traffic Light Technician	MS5	MH3
Tree Technician	MS5	MH3
Truck Driver A	MS5	MH3
Truck Driver B	MS5	MH3
Building Sub-code Official	MS6	MH3
<i>Chief of REHS</i>	<i>MS6</i>	<i>MH3</i>
Chief Of Staff	MS[6]7	MH3
Chief Registered Environmental Health Specialist	MS6	MH3
Comptroller	MS6	MH3
Emergency Management Coordinator	MS6	MH3
Foreman	MS6	MH3
Junior Engineering Assistant	MS6	MH3
Landscape Architect	MS6	MH3
Municipal Court Administrator	MS6	MH3
Operations Manager	MS6	MH3
<i>Registered Environmental H S</i>	<i>MS2</i>	<i>MH3</i>
Patrolman	MS6	MH3
Project/Contract Manager	MS6	MH3
	MS6	MH3
Senior Engineering Assistant	MS6	MH3
Senior Patrolman		
Senior Policy Coordinator- Administration	MS6	MH3
Senior Public Information Officer/Social Media	MS6	MH3
Assessor	MS7	MH3
Assistant Supervisor of Engineering	MS7	MH3
Assistant Director of Public Works	MS7	MH3

Assistant Director of Finance	MS7	MH3
<i>Licensed Sewer Operator</i>	<i>MS7</i>	<i>MH3</i>
CAD Manager	MS7	MH3
Collector of Revenue	MS7	MH3
Construction Official	MS7	MH3
Fire Marshall	MS7	MH3
Fire Services Coordinator	MS7	MH3
Para-Legal Assistant	MS7	MH3
Human Resources Coordinator	MS7	MH3
Legal Assistant	MS7	MH3
Senior LAN Administrator	MS7	MH3
Supervisor of Engineering	MS7	MH3
Captain	MS8	MH3
Lieutenant	MS8	MH3
Mayor	MS8	MH3
Superintendent	MS8	MH3
Administrator	MS9	MH3
Chief of Police	MS9	MH3
Chief Financial Officer	MS9	MH3
Director of Community Development	MS9	MH3
Director of Division of Police	MS9	MH3
Director of Finance	MS9	MH3
Director of Health	MS9	MH3
Director - Office of Aging	MS9	MH3
Director of Public Works	MS9	MH3
Director of Recreation	MS9	MH3
In-House Legal Counsel	MS9	MH3
Superintendent of Police	MS9	MH3

Part-time Salaried Positions

Clerk to Boards and Commissions per meeting	PTS1
Black Seal License	PTS2
Clerk to Joint Board of Fire Commissioners	PTS2
Clerk to PCTV	PTS2
Emergency Animal Control Officer	PTS2
Township Engineer	PTS3
Real Estate Coordinator	PTS3
Museum Curator	PTS4
Police Chaplain	PTS4

Secretary to the Board of Adjustment	PTS4
Secretary to the Planning Board	PTS4
Deputy Emergency Management Coordinator	PTS5
Council Members	PTS5
Council President	PTS5
Licensed Sewer Operator	PTS5
Assistant Township Attorney	PTS5
Emergency Management Coordinator	PTS6
Public Defender	PTS6
Prosecutor	PTS6
Chief Financial Officer	PTS[7] 6
Municipal Judge	PTS7

Part-time Non-Salaried Positions

Crossing Guard	MH1	
Bus Driver	MH1	
Health Aide	MH1	
Junior Office Assistant	MH1	
Kitchen Aide	MH1	
<i>Laborer</i>	<i>MH1</i>	MH1
Meals on Wheels Assistant		
Municipal Alliance Coordinator	MH1	
Public Relations Officer	MH1	
Public Works Assistant	MH1	
Rabies Clinic Assistant	MH1	
Receptionist	MH1	
Recreation Assistant and Supervisor	MH1	
Senior Office Assistant	MH1	
[Special Officer] <i>Matron</i>	MH1	
Special Dispatcher	MH1	
Building Inspection	MH2	
Deputy Assessor	MH2	
Elder Care Coordinator	MH2	
<i>Special Officer</i>	<i>MH2</i>	
Uniform Construction Code Inspection	MH2	
Uniform Construction Code Official	MH2	
Assistant Zoning Officer	MH3	

Special Clerical - Election Days

MH3

Zoning Officer

MH3

Section 5. RETROACTIVE PAY.

Although the Salary and Hourly Scales are effective January 1, 2017, any retroactive increments are payable only to the full-time and part-time employees of record as of the final passage date of this ordinance.

Section 6. RATE FOR SPECIAL POLICE SERVICES.

A. The Director of the Division of Police is hereby authorized to furnish off-duty police officers, on a voluntary basis, to service private or quasi-private functions on a written basis.

B. The rate for special police services at all locations, including Rutgers University, shall be as follows:

- [Traffic Posts \$70.78 per hour]
- [Traffic Supervisor \$75.84 per hour]
- [Security Posts \$50.54 per hour]
- [Security Supervisor \$58.33 per hour]

	2020	2021	2022	2023	2024
<i>Traffic Posts rate per hour</i>	\$ 73.60	\$ 75.77	\$ 78.01	\$ 80.31	\$ 82.68
<i>Traffic Supervisor rate per hour</i>	\$ 78.86	\$ 81.19	\$ 83.58	\$ 86.05	\$ 88.59
<i>Security Posts rate per hour</i>	\$ 52.56	\$ 54.11	\$ 55.71	\$ 57.35	\$ 59.04
<i>Security Supervisor rate per hour</i>	\$ 60.65	\$ 62.44	\$ 64.28	\$ 66.18	\$ 68.13

The forgoing hourly rates shall increase annually commencing January 1, 2017 on a calendar year basis by the percentage of the PBA salary increase as documented in the Piscataway PBA Collective Bargaining Agreement.

The rates for supervisor apply only to details of four officers or more. Any extra duty detail of four officers or more shall be required to have a paid supervisor.

In addition to the above rate(s), there is a Township administrative expenses fee of [five dollars (\$5.00)] *six dollars (\$6.00)* per hour.

A fee of \$27[1].00 per hour shall be charged for each patrol car utilized in the provision of special police services for Calendar Year 2021. The hourly rates in regard to same shall increase annually on a calendar year basis by the amount of One Dollar \$1.00 commencing January 1, [2019] 2022.

C. The time spent by any member of the Police Department in performing the duties of Special Police Services shall not be considered in computing any service time, longevity or other benefits to such member.

Section 7. CONTRACTS.

Proper officials are authorized to enter into employment contracts consistent with the provisions of this Ordinance.

* * *

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mrs. Cahill opened the Meeting to the Public for Comments: **ORDINANCE APPROPRIATING \$1,500,000, \$750,000 OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND AND \$750,000 OF WHICH IS FROM DEVELOPER'S CONTRIBUTIONS FOR PRELIMINARY PLANNING AND ENGINEERING EXPENSES FOR FUTURE ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.**

David Akins, 39 Ambrose Valley Ln, asking for a copy of the changes in ordinance. Mrs. Cahill clarified how to get it. There being no other comments, this portion of the meeting was closed.

RESOLUTION offered by Mrs. Lombardi, seconded by Mr. Shah: **BE IT RESOLVED**, By the Township Council of Piscataway Township, New Jersey that: **ORDINANCE APPROPRIATING \$1,500,000, \$750,000 OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND AND \$750,000 OF WHICH IS FROM DEVELOPER'S CONTRIBUTIONS FOR PRELIMINARY PLANNING AND ENGINEERING EXPENSES FOR FUTURE ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY** was introduced on the 24th day of November, 2020 and had passed the first reading and was published on the 28th day of November, 2020.

NOW, THEREFORE, **BE IT RESOLVED**, that the aforesaid Ordinance, having had a second reading on December 15, 2020, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2020-34.

On roll call vote: Messrs. Bullard, Lombardi, McCullum, Shah, Uhrin, and Cahill answered yes.

Resolution 20-373 was skipped inadvertently therefore that resolution does not exist

RESOLUTION #20-374

RESOLUTION offered by Mrs. McCullum, seconded by Mrs. Lombardi, **BE IT RESOLVED**, By the Township Council of Piscataway Township, New Jersey that:

WHEREAS, the Revised General Ordinances of the Township of Piscataway permit the adoption of Resolutions, Motions or Proclamations by the Township Council of the Township of Piscataway as part of the Consent Agenda, upon certain conditions; and

WHEREAS, each of the following Resolutions, Motions or Proclamations to be presented before the Township Council at its December 15, 2020 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Additional Engineering Design Services for the Piscataway Community and Cultural Center Project – Grotto Engineering Associates, LLC – Not to Exceed \$10,000.00.
- b. RESOLUTION – Authorizing Budget Transfers.
- c. RESOLUTION – Authorizing Change Order #2 – 2020 Various Playground Equipment Replacements – PlayPower LT Farmington, Inc. – Not to Exceed \$18,946.00.
- d. RESOLUTION – Authorizing Temporary Budget for Calendar Year 2021.
- e. RESOLUTION – Authorizing Chapter 159 – CARES ACT #3.
- f. RESOLUTION – Authorizing Cancellation of Appropriations.

- g. RESOLUTION – Authorizing Renewal of Contract with MicroSystems-NJ.com for MOD IV Program for Assessing – January 1, 2021 through December 31, 2021 – not to exceed \$14,028.28.
- h. RESOLUTION – Authorizing Award of Contract for 2022 Reassessment Inspections (Inspections Conducted in 2021) – Professional Property Appraisers, Inc. – Not to Exceed \$104,677.00.
- i. RESOLUTION – Authorizing Purchase of 2021 Vermeer S923TX Compact Utility Loader w/tracks Under Sourcewell National Coop – Vermeer North Atlantic – Not to Exceed \$27,559.00.
- j. RESOLUTION – Authorizing Purchase of 2021 Vermeer BC1500 15” Brush Chipper with Tier 4 Final Engine Under Sourcewell National Coop – Vermeer North Atlantic – Not to Exceed \$68,471.00.
- k. RESOLUTION – Authorizing Purchase of 2021 Palfinger American Roll Off Body for Freightliner 114SD Under ESCNJ – Omaha Standard, LLC – Not to Exceed \$44,653.46.
- l. RESOLUTION – Authorizing Purchase of 2020 John Deere 644L Wheel Loader Under ESCNJ – Jesco – Not to Exceed \$259,845.81.
- m. RESOLUTION – Authorizing Purchase of 2021 Freightliner 114SD Chassis with DD13 Engine Under ESCNJ - Campbell Freightliner – Not to Exceed \$137,139.64.
- n. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Blue Ridge Avenue Road Improvements from Morris Avenue to Terminus – Grotto Engineering Associates, LLC – Not to Exceed \$110,700.00.
- o. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Ethel Road West Road Improvements from Stelton Road (CR 529) to Suttons Lane – Grotto Engineering Associates, LLC – Not to Exceed \$186,261.70.
- p. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Hanover Street Roadway Improvements from Carlton Avenue to Fleming Street – Najarian Associates – Not to Exceed \$73,500.00.
- q. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Holly Lane Road Improvements from South Randolphville Road to Seward Avenue – Menlo Engineering Associates – Not to Exceed \$99,300.00.
- r. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Levgar Street Road Improvements from South Avenue to Center Street – T & M Associates – Not to Exceed \$250,400.00
- s. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Pearl Street Roadway Improvements from Hazelwood Avenue to the Terminus – Najarian Associates – Not to Exceed \$29,000.00.
- t. RESOLUTION – Authorizing Award of Contract for Professional Consulting Services – Second Avenue-Phase III Roadway Improvements from Elwood Street to Hancock Road – Alaimo Group – Not to Exceed \$97,700.00.
- u. RESOLUTION - Authorizing Award of Contract for Professional Consulting Services – Stratton Street South Culvert – Naik Group – Not to Exceed \$296,000.00.
- v. RESOLUTION - Authorizing Award of Contract for Professional Consulting Services – Wickley Avenue Roadway Improvements from Zirkel Avenue to Fox Chase Drive – CME Associates – Not to Exceed \$241,488.00.
- w. RESOLUTION – Authorizing Contract Amendment #1 – Professional Engineering Consultation Services – Cedarwood Drive Reconstruct Sanitary Sewer System – Greenwood Drive to Glenwood Drive – Grotto Engineering Associates, LLC – Not to Exceed \$15,000.00.
- x. RESOLUTION - Designation of Township Council Meeting Dates – 2021.
- y. RESOLUTION – Authorizing 2021 Peddlers License – Alba I. Granados-Diaz.
- z. RESOLUTION – Authorizing Award of Professional Services – CDBG Consultant Services – Rehabco, Inc. – Not to Exceed \$55,500.00.
- aa. RESOLUTION – Authorizing Award of Contract for 2021 Solar Powered Incident Response Trailer with Portable Dynamic Message Sign – Garden State Highway Products, Inc. – Not to Exceed \$25,900.00.

- bb. RESOLUTION – Authorizing Award of Contract for 2021 Solar Powered Portable Double Sided Dynamic Message Sign – Garden State Highway Products, Inc. – Not to Exceed \$36,895.00.
- cc. RESOLUTION – Authorizing Return of Street Opening Bond:
 - Block 11316, Lot 1.03 – 97 Mitchell Avenue
- dd. RESOLUTION – Authorizing Contract Amendment #1 – Baekeland Avenue Improvements – Remington & Vernick Engineers – Not to Exceed \$34,300.00.
- ee. RESOLUTION – Authorizing Settlement Agreement with Fireworks by Grucci Inc.
- ff. RESOLUTION – Authorizing Cancellation of Capital Appropriations.
- gg. MOTION – Accept the Report of the Clerk’s Account – November 2020
- hh. MOTION – Accept Report of the Division of Revenue – November 2020.
- ii. MOTION – Receive and Enter into Minutes Disbursements for the Month of November 2020.

The following are the Resolutions, typed in full, which were adopted by the foregoing consent agenda resolution:

RESOLUTION #20-374

WHEREAS, the Township of Piscataway requires Professional Planning Services in regard to the Area in Need of Redevelopment Study & Redevelopment Plan as it pertains to 10 Constitution Avenue (the "Project"); and

WHEREAS, CME Associate, Parlin, NJ, has submitted a proposal dated October 20, 2020, for Professional Planning Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$15,800.00; and

WHEREAS, CME Associates, Parlin, NJ was previously qualified under the Fair and Open Process to provide professional services for Planning Services – Township Planner – Redevelopment by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0132;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize CME Associates, Parlin, NJ, to provide Professional Planning Services for the Area in Need of Redevelopment Study & Redevelopment Plan as it pertains to 10 Constitution Avenue, at the rates set forth in said Proposal, with such services not to exceed \$15,800.00 in cost.

RESOLUTION #20-375

WHEREAS, the Township of Piscataway requires Engineering Design Services in regard to the Piscataway Township Community and Cultural Arts Center Project (the "Project"); and

WHEREAS, there was a previous contract amendment in regard to the Project and additional work is required for the project that was not included in the original scope of work outlined by the Township of Piscataway and not anticipated in the proposal from Grotto Engineering to the Township for said Project; and

WHEREAS, N.J.A.C. 5:30-11.6 authorizes the Township to approve change orders for professional services for a project; and

WHEREAS, the Township Business Administrator has reviewed the Amendment Proposal dated December 2, 2020, a copy of which is attached hereto, and recommends approval of same; and

WHEREAS, there is funding available pursuant to certification # 2013-13109-G;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount with Grotto Engineering from \$124,000.00 to \$134,000.00, an increase of not to exceed \$10,000.00, due to unanticipated work required in regard to same, subject to all bid specifications and contract documents.

RESOLUTION #20-376

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the fiscal year from those accounts where there is an excess over the amount deemed necessary to those appropriations deemed to be insufficient.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Piscataway, that the following transfers are hereby authorized:

Budget Code	Department	Type	From	To
01- 2020- 0200- 0100- 1	ADMINISTRATION	SALARIES AND WAGES	2,895.57	0.00
01- 2020- 0200- 0105- 1	HUMAN RESOURCES	SALARIES AND WAGES	2,300.00	0.00
01- 2020- 0200- 0105- 2	HUMAN RESOURCES	OTHER EXPENSES	5,000.00	0.00
01- 2020- 0200- 0110- 1	TOWNSHIP COUNCIL	SALARIES AND WAGES	144.56	0.00
01- 2020- 0200- 0110- 2	TOWNSHIP COUNCIL	OTHER EXPENSES	10,000.00	0.00
01- 2020- 0200- 0115- 1	PURCHASING	SALARIES AND WAGES	6,600.00	0.00
01- 2020- 0200- 0120- 1	MUNICIPAL CLERK	SALARIES AND WAGES	4,000.00	0.00
01- 2020- 0200- 0120- 2	MUNICIPAL CLERK	OTHER EXPENSES	5,000.00	0.00
01- 2020- 0200- 0121- 1	ELECTION	SALARIES AND WAGES	7,013.58	0.00
01- 2020- 0200- 0125- 1	COMPUTER CENTER	SALARIES AND WAGES	14,000.00	0.00
01- 2020- 0200- 0130- 1	FINANCE	SALARIES AND WAGES	12,000.00	0.00
01- 2020- 0200- 0145- 1	TAX COLLECTION	SALARIES AND WAGES	10,000.00	0.00
01- 2020- 0200- 0150- 1	TAX ASSESSMENT	SALARIES AND WAGES	5,000.00	0.00
01- 2020- 0200- 0165- 1	ENGINEERING	SALARIES AND WAGES	10,000.00	0.00
01- 2020- 0200- 0175- 1	CABLE TV	SALARIES AND WAGES	15,000.00	0.00
01- 2020- 0210- 0180- 1	PLANNING BOARD	SALARIES AND WAGES	4,679.33	0.00
01- 2020- 0210- 0185- 1	ZONING BOARD	SALARIES AND WAGES	4,770.29	0.00
01- 2020- 0210- 0321- 1	ZONING ENFORCEMENT: PROPERTY MAINTENANCE	SALARIES AND WAGES	25,000.00	0.00
01- 2020- 0220- 0196- 1	HOUSING CERTIFICATE OF OCCUPANCY	SALARIES AND WAGES	50,000.00	0.00
01- 2020- 0230- 0413- 2	HEALTH BENEFIT WAIVER	OTHER EXPENSES	192.32	0.00
01- 2020- 0250- 0240- 1	POLICE DEPARTMENT	SALARIES AND WAGES	150,000.00	0.00
01- 2020- 0260- 0290- 1	STREETS & ROADS	SALARIES AND WAGES	50,000.00	0.00
01- 2020- 0260- 0300- 1	PUBLIC WORKS	SALARIES AND WAGES	10,000.00	0.00
01- 2020- 0260- 0305- 1	SOLID WASTE	SALARIES AND WAGES	50,000.00	0.00
01- 2020- 0260- 0310- 1	BUILDING & GROUNDS	SALARIES AND WAGES	10,000.00	0.00
01- 2020- 0270- 0340- 1	ANIMAL CONTROL	SALARIES AND WAGES	2,500.00	0.00
01- 2020- 0280- 0365- 1	PARKS& MAINTENANCE	SALARIES AND WAGES	10,000.00	0.00
01- 2020- 0300- 0415- 2	SEVERENCE LIABILITY	OTHER EXPENSES	0.00	365,251.35
01- 2020- 7440- 0251- 2	POLICE: 911 EQUIPMENT UPGRADE	OTHER EXPENSES	352.27	0.00
01- 2020- 7440- 7900- 2	CAPITAL IMPROVEMENT	OTHER EXPENSES	0.00	150,000.00
01- 2020- 7440- 7905- 2	FURNITURE, FIXTURES & FITTINGS	OTHER EXPENSES	28,903.43	0.00
01- 2020- 7440- 7910- 2	LAND ACQUISITION	OTHER EXPENSES	9,900.00	0.00
		TOTAL	\$ 515,251.35	\$ 515,251.35

RESOLUTION #20-377

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to PlayPower LT Farmington, Inc., Monett, MO for the 2020 Various Playground Equipment Replacements (the "Project"), in the amount not to exceed \$889,465.21; and

WHEREAS, the Township previously approved a change order in the amount of \$138,883.93 for a final cost not to exceed \$1,028,299.14, a 15.6% increase; and

WHEREAS, additional work is necessary for the Project that was not included in the original scope of work outlined by the Township and not anticipated in the proposal from PlayPower LT Farmington, Inc. to the Township for the Project; and

WHEREAS, this change order would represent an additional \$18,946.00 increase in the total amount of the Project for a final total not to exceed \$1,047,245.14, a 2.1% increase of the initial contract amount, for a total increase of 17.7%; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a Memorandum and Change Order form, both dated December 2, 2020, the Township Landscape Architect recommends approving the Change Order Request No. 2; and

WHEREAS, there is funding available pursuant to certification # R-2019-0144-02;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the

total contract amount for the Project with PlayPower LT Farmington, Inc., Monett, MO from \$1,028,299.14 to a final total not to exceed \$1,047,245.14 and execute the enclosed Contract Change Order in the amount of \$18,946.00, subject to all bid specifications and contract documents.

RESOLUTION #20-378

WHEREAS, NJSA 40A: 4-19 provides for the adoption of a temporary budget which is designed to meet the needs of municipal operations for the first 90 days of a new fiscal year; and

WHEREAS, NJSA 40A: 4-19 provides that a maximum of 26.25% of the previous year’s appropriations exclusive of Public Assistance, Debt Service, and the Capital Improvement Fund may be adopted within the temporary budget; and

WHEREAS, 26.25% of the total appropriations for CY 2020 budget, exclusive of any appropriations made for Public Assistance, Debt Service and the Capital Improvement Fund in said budget are **\$16,710,528.02** for Current Fund; **\$3,194,877.66** for Sewer Utility Operating Fund; **\$321, 6278.13** for Senior Housing Utility Operating Fund; and **\$505,575.00** for Recreation Utility Operating Fund.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, in the County of Middlesex, that the following appropriations in total detailed by the attached documentation, be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records: Current Fund- **\$28,763,407.33**; Sewer Utility Operating Fund - **\$3,534,815.16**; and Senior Housing Utility Operating Fund - **\$488,878.13**; and Recreation Utility Fund, **\$505,575.00**, shall constitute the Temporary Budget for Calendar Year 2021.

RESOLUTION #20-379

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of **\$491,946.90** from the **United States Department of Treasury, Pass through County of Middlesex, State of New Jersey** and wishes to amend its **Calendar Year 2020** Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **Calendar Year 2020**:

Amount Received for
“CARES Act” Coronavirus Aid, Relief & Security Act **\$491,946.90**

BE IT FURTHER RESOLVED that the like sum of \$491,946.90 is hereby appropriated under the caption of:

“CARES Act” Coronavirus Aid, Relief & Security Act **\$491,946.90**

BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #20-380

WHEREAS, N.J.S.A. 40A:4-60 permits the cancellation of any unexpended balances of appropriations, by resolution of the governing body be cancelled prior to the end of the fiscal year; and

WHEREAS, the schedule below indicate those budget accounts with unexpended balances; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be credited to Current Fund Surplus; and Recreation Utility Surplus; and

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Piscataway, County of Middlesex, New Jersey, that the following unexpended balances of the Current Fund and Recreation Utility are hereby cancelled.

CURRENT FUND

Budget Code	Description	Type	Amount
01- 2020- 0200- 0190- 2	BOARDS & COMMISSIONS	OTHER EXPENSES	20,000.00
01- 2020- 0280- 0370- 1	RECREATION	SALARIES AND WAGES	50,000.00
01- 2020- 0280- 0370- 2	RECREATION	OTHER EXPENSES	10,000.00
01- 2020- 0280- 0372- 1	RECREATION SEASONAL	SALARIES AND WAGES	20,000.00
01- 2020- 0280- 0376- 1	OFF ON AGING (P/T)	SALARIES AND WAGES	15,000.00
01- 2020- 7270- 7707- 2	INTERLOCAL: HEALTH SERVICES	OTHER EXPENSES	127,157.10
	TOTAL CURRENT FUND		242,157.10

RECREATION UTILITY FUND

41- 2020- 4100- 4100- 2	YMCA - RECREATION UTILITY	OTHER EXPENSES	250,000.00
	TOTAL RECREATION UTILITY FUND		\$ 250,000.00

RESOLUTION #20-381

WHEREAS, the Administration has recommended the renewal of a contract for MOD IV Online Services & Mailing Annual Notice of Assessment for the assessor's office for the Township of Piscataway with MicroSystems-NJ.com, L.L.C.; and

WHEREAS, MicroSystems-NJ.com, L.L.C. has agreed to perform such services for the period of January 1, 2021, to December 31, 2021, in an amount not to exceed \$15,028.28, pursuant to a contract proposal dated December 4, 2020; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(dd), a contract for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software may be awarded without public advertising of bids and bidding; and

WHEREAS, funds are available pursuant to certification # R-2020-0135;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Mayor and other appropriate officials be and the same are hereby authorized to enter into an agreement for technical, computing services and computer network support for the period of January 1, 2021, to December 31, 2021, with MicroSystems-NJ.com, L.L.C. for a sum not to exceed \$15,028.28.

RESOLUTION #20-382

WHEREAS, the Township of Piscataway (the "Township") requires Professional Appraisal Services for Inspection & Data Collection in regard to the 2022 Reassessment (Inspections conducted in 2021) (the "Project"); and

WHEREAS, the Township Tax Assessor recommends awarding a contract for the Project to Professional Property Appraisers, Inc., Cinnaminson, NJ for the period of January 1, 2021 through December 31, 2021, a copy of which is attached hereto and made a part hereof (the "Contract"); and

WHEREAS, Professional Property Appraisers, Inc. was previously qualified under the Fair and Open Process to provide professional services for Appraisal Services – Various Projects by the Township of Piscataway from 2019-2022; and

WHEREAS, there is funding available pursuant to certification # R-2020-0134;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Professional Property Appraisers, Inc., Cinnaminson, NJ to provide Professional Inspection & Data Collection Services in regard to the 2022 Reassessment to be completed in 2021, at the rates set forth in said Contract, with

such services not to exceed \$104,677.00, for the period from January 1, 2021 through December 31, 2021.

RESOLUTION #20-383

WHEREAS, the Township of Piscataway is in need of a 2021 Vermeer S925TX Compact Utility Loader (with tracks) (the “Loader”); and

WHEREAS, the Assistant Director of Public Works recommends awarding a contract for the Chipper through Sourcewell #062117-VRM, to Vermeer North Atlantic, Lumberton, NJ, in the amount not to exceed \$27,559.00; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2020-0130;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for a 2021 Vermeer S925TX Compact Utility Loader (with tracks) with Vermeer North Atlantic, Lumberton, NJ, for a total cost not to exceed \$27,559.00, through Sourcewell #062117-VRM.

RESOLUTION #20-384

WHEREAS, the Township of Piscataway is in need of a 2021 Vermeer BC1500 15” Brush Chipper with Tier 4 Final Engine (the “Chipper”); and

WHEREAS, the Assistant Director of Public Works recommends awarding a contract for the Chipper through Sourcewell #062117-VRM, to Vermeer North Atlantic, Lumberton, NJ, in the amount not to exceed \$68,471.00; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2020-0131;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for a 2021 Vermeer BC1500 15” Brush Chipper with Tier 4 Final Engine with Vermeer North Atlantic, Lumberton, NJ, for a total cost not to exceed \$68,471.00, through Sourcewell #062117-VRM.

RESOLUTION #20-385

WHEREAS, the Township of Piscataway is in need of a 2021 Palfinger American Roll Off Body for Freightliner 114SD; and

WHEREAS, the Assistant Director of Public Works recommends awarding a contract for the 2021 Palfinger American Roll Off Body for Freightliner 114SD through Educational Services Commission of NJ Co-Op Bid # 17/18-30, State Approved Co-Op #65MCESCCPS, to Omaha Standard, LLC, Trenton, NJ, in the amount not to exceed \$44,653.46; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2020-0129;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for a 2021 Palfinger American Roll Off Body for Freightliner 114SD with Omaha Standard, LLC, Trenton, NJ, for a total cost not to exceed \$44,653.46, through Educational Services Commission of NJ Co-Op Bid # 17/18-30, State Approved Co-Op #65MCESCCPS.

RESOLUTION #20-386

WHEREAS, the Township of Piscataway is in need of a 2020 John Deere 644L Wheel Loader (the “Loader”); and

WHEREAS, the Township of Piscataway wishes to purchase said Loader from Jesco, Piscataway, NJ, in the amount not to exceed \$259,845.81 through Education Services

Commission of NJ Co-Op Bid #18/19-25; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2020-0128;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for a 2020 John Deere 644L Wheel Loader, Piscataway, NJ in the amount not to exceed \$259,845.81, through Education Services Commission of NJ Co-Op Bid #18/19-25.

RESOLUTION #20-387

WHEREAS, the Township of Piscataway is in need of a 2021 Freightliner 114SD Chassis with DD13 engine (the "Freightliner"); and

WHEREAS, the Assistant Director of Public Works recommends awarding a contract for the Freightliner through Educational Services Commission of NJ Co-Op Bid #ESCNJ17/18-30, State Approved Co-Op #65MCESCCPS, to Campbell Freightliner, LLC, South Brunswick, NJ, in the amount not to exceed \$137,139.64; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2020-012;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for a 2021 Freightliner 114SD Chassis with DD13 engine with Campbell Freightliner, LLC, South Brunswick, NJ, for a total cost not to exceed \$137,139.64, through Educational Services Commission of NJ Co-Op Bid #ESCNJ17/18-30, State Approved Co-Op #65MCESCCPS.

RESOLUTION #20-388

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Blue Ridge Avenue Road Improvements from Morris Avenue to Terminus (the "Project"); and

WHEREAS, Grotto Engineering Associates, LLC, Cranford, NJ, has submitted a proposal dated November 2, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$110,700.00; and

WHEREAS, Grotto Engineering Associates, LLC, Cranford, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0125;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Grotto Engineering Associates, LLC, Cranford, NJ, to provide Professional Engineering Services for the Blue Ridge Avenue Road Improvements from Morris Avenue to Terminus, at the rates set forth in said Proposal, with such services not to exceed \$110,700.00 in cost.

RESOLUTION #20-389

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Ethel Road West Road Improvements from Stelton Road (CR 529) to Suttons Lane (the "Project"); and

WHEREAS, Grotto Engineering Associates, LLC, Cranford, NJ, has submitted a proposal dated November 2, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$186,261.70; and

WHEREAS, Grotto Engineering Associates, LLC, Cranford, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-124;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Grotto Engineering Associates, LLC, Cranford, NJ, to provide Professional Engineering Services for the Ethel Road West Road Improvements from Stelton Road (CR 529) to Suttons Lane, at the rates set forth in said Proposal, with such services not to exceed \$186,261.70 in cost.

RESOLUTION #20-390

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Hanover Street Roadway Improvements from Carlton Avenue to Fleming Street (the "Project"); and

WHEREAS, Najarian Associates, Eatontown, NJ, has submitted a proposal dated October 29, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$73,500.00; and

WHEREAS, Najarian Associates, Eatontown, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0123;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Najarian Associates, Eatontown, NJ, to provide Professional Engineering Services for the Hanover Street Roadway Improvements from Carlton Avenue to Fleming Street, at the rates set forth in said Proposal, with such services not to exceed \$73,500.00 in cost.

RESOLUTION #20-391

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Holly Lane Road Improvements from South Randolphville Road to Seward Avenue (the "Project"); and

WHEREAS, Menlo Engineering Associates, Highland Park, NJ, has submitted a proposal dated November 19, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$99,300.00; and

WHEREAS, Menlo Engineering Associates, Highland Park, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-R-2020-0123;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Menlo Engineering Associates, Highland Park, NJ, to provide Professional Engineering Services for the Holly Lane Road Improvements from South Randolphville Road to Seward Avenue, at the rates set forth in said Proposal, with such services not to exceed \$99,300.00 in cost.

RESOLUTION #20-392

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Levgar Street Road Improvements from South Avenue to Center Street (the "Project"); and

WHEREAS, T&M Associates, Middletown, NJ, has submitted a proposal dated November 2, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$250,400.00; and

WHEREAS, T&M Associates, Middletown, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020--0126;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize T&M Associates, Middletown, NJ, to provide Professional Engineering Services for the Levgar Street Road Improvements from South Avenue to Center Street, at the rates set forth in said Proposal, with such services not to exceed \$250,400.00 in cost.

RESOLUTION #20-393

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Pearl Street Roadway Improvements from Hazelwood Avenue to the Terminus (the "Project"); and

WHEREAS, Najarian Associates, Eatontown, NJ, has submitted a proposal dated October 29, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$29,000.00; and

WHEREAS, Najarian Associates, Eatontown, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0121;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Najarian Associates, Eatontown, NJ, to provide Professional Engineering Services for the Pearl Street Roadway Improvements from Hazelwood Avenue to the Terminus, at the rates set forth in said Proposal, with such services not to exceed \$29,000.00 in cost.

RESOLUTION #20-394

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Second Avenue – Phase III Roadway Improvements from Elwood Street to Hancock Road (the "Project"); and

WHEREAS, Alaimo Group, Paterson, NJ, has submitted a proposal dated October 29, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$97,700.00; and

WHEREAS, Alaimo Group, Paterson, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0118;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Alaimo Group, Paterson, NJ, to provide Professional Engineering Services for the Second Avenue – Phase III Roadway Improvements from Elwood Street to Hancock Road, at the rates set forth in said Proposal, with such services not to exceed \$97,700.00 in cost.

RESOLUTION #20-395

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Stratton Street South Culvert (the "Project"); and

WHEREAS, Naik Group, Edison, NJ, has submitted a proposal dated November 9, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$296,000.00; and

WHEREAS, Naik Group, Edison, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020-0117;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Naik Group, Edison, NJ, to provide

Professional Engineering Services for the Stratton Street South Culvert, at the rates set forth in said Proposal, with such services not to exceed \$296,000.00 in cost.

RESOLUTION #20-396

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the Wickley Avenue Roadway Improvements from Zirkel Avenue to Fox Chase Drive (the "Project"); and

WHEREAS, CME Associates, Parlin, NJ, has submitted a proposal dated November 2, 2020, for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$241,488.00; and

WHEREAS, CME Associates, Parlin, NJ was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2020; and

WHEREAS, there is funding available pursuant to certification # R-2020--116;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize CME Associates, Parlin, NJ, to provide Professional Engineering Services for the Wickley Avenue Roadway Improvements from Zirkel Avenue to Fox Chase Drive, at the rates set forth in said Proposal, with such services not to exceed \$241,488.00 in cost.

RESOLUTION #20-397

WHEREAS, the Township of Piscataway requires Professional Services in regard to the Cedarwood Drive – Sanitary Sewer Improvements (the "Project"); and

WHEREAS, additional work is required for the Project that was not included in the original scope of work outlined by the Township of Piscataway and not anticipated in the proposal from Grotto Engineering Associates, LLC to the Township for said Project; and

WHEREAS, N.J.A.C. 5:30-11.6 authorizes the Township to approve change orders for professional services for a project; and

WHEREAS, the Township Supervisor of Engineering has reviewed the Contract Amendment Request No. 1 and recommends approval of same; and

WHEREAS, there is funding available pursuant to certification # R-2020-0068;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount with Grotto Engineering Associates, LLC from \$84,700.00 to \$99,700.00, an increase of not to exceed \$15,000.00, due to unanticipated work required in regard to the Cedarwood Drive – Sanitary Sewer Improvements, subject to all bid specifications and contract documents.

RESOLUTION #20-398

WHEREAS, the Township Council of the Township of Piscataway desires to notify the public of its regularly scheduled meetings for the year 2021; and

WHEREAS, the Administrative Code of the Township of Piscataway provides that the Township Council of the Township of Piscataway must hold at least one (1) regular meeting every month; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the regular meetings of the Township Council shall be held in accordance with the attached schedule incorporated herein and made a part hereof; and

BE IT FURTHER RESOLVED that the attached schedule of meetings be published in THE COURIER NEWS and THE STAR-LEDGER.

JANUARY

1 Reorganization Meeting 1 pm
12
26

JULY

13

AUGUST

10

FEBRUARY

9
23

SEPTEMBER

14

MARCH

9
23

APRIL

20

MAY

11

JUNE

10
29

OCTOBER

12

NOVEMBER

4
9
23
30

DECEMBER

7
14

RESOLUTION #20-399

WHEREAS, Alba Granados-Diaz has applied with the Township of Piscataway for a Peddlers License for 2021; and

WHEREAS, pursuant to a letter from the Piscataway Township Police Department dated December 2, 2020, a copy of which is attached hereto and made a part hereof, the Piscataway Township Police Department recommends granting a Peddlers License for 2021 to Alba Granados-Diaz; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to issue a Peddlers License for 2021 to Alba Granados-Diaz.

RESOLUTION #20-400

WHEREAS, the Township of Piscataway (the "Township") previously authorized competitive contracting to obtain CDBG Consultant Services (the "Services"); and

WHEREAS, on December 3, 2020, the Township received three (3) proposals for the Services; and

WHEREAS, the Township administration evaluated and scored the proposals and recommends awarding a two (2) year contract for the Services to Rehabco Inc., Toms River, NJ, who submitted the highest scoring proposal, in the amount not to exceed \$55,500.00 for Calendar Year 2021 and \$55,500.00 for Calendar Year 2022, for a total amount not to exceed \$111,000.00; and

WHEREAS, there is funding available pursuant to certification # R-2020-0136;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the CDBG Consulting Services to Rehabco Inc., Toms River, NJ, who is the highest scoring proposal, in the amount not to exceed \$55,500.00 for Calendar Year 2021 and \$55,500.00 for Calendar Year 2022, for a total amount not to exceed \$111,000.00 in cost.

RESOLUTION #20-401

WHEREAS, on December 10, 2020, the Township of Piscataway (the "Township") received bids in regard to a 2021 Solar Powered Incident Response Trailer with Portable Dynamic Message Sign (the "Sign"); and

WHEREAS, the Township Assistant Director of Public Works reviewed the bids and recommended awarding a contract for the Sign to Garden State Highway Products, Inc., Millville, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$25,900.00; and

WHEREAS, funds are available pursuant to certification # B-2020-027;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the 2021 Solar Powered Incident Response Trailer with Portable Dynamic Message Sign to Garden State Highway Products, Inc., Millville, NJ, who is the lowest qualifying bidder, in

the amount not to exceed \$25,900.00, subject to all bid specifications and contract documents.

RESOLUTION #20-402

WHEREAS, on December 10, 2020, the Township of Piscataway (the “Township”) received bids in regard to a 2021 Solar Powered Portable Double-Sided Dynamic Message Sign (the “Sign”); and

WHEREAS, the Township Assistant Director of Public Works reviewed the bids and recommended awarding a contract for the Sign to Garden State Highway Products, Inc., Millville, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$36,895.00; and

WHEREAS, funds are available pursuant to certification # B-2020-028;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the 2021 Solar Powered Portable Double-Sided Dynamic Message Sign to Garden State Highway Products, Inc., Millville, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$36,895.00, subject to all bid specifications and contract documents.

RESOLUTION #20-403

WHEREAS, Najib Khan, Piscataway, NJ, request the return of a Street Opening Bond in the amount of \$500.00, posted with the Township of Piscataway on June 12, 2019 regarding repairs and inspections for Block 11316, Lot 1.03 (97 Mitchell Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated October 26, 2020 and a memorandum from the Supervisor of Engineering dated December 3, 2020, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that the repairs and inspections have been made according to Township specifications, and therefore recommended the return of said Street Opening Bond; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Street Opening Bond to Najib Khan, Piscataway, NJ, in the amount of \$500.00, regarding the above referenced property.

RESOLUTION #20-404

WHEREAS, the Township of Piscataway requires Professional Services in regard to the Baekeland Avenue Improvements from River Road (CR 622) to Cedar Avenue (the “Project”); and

WHEREAS, additional work is required for the Project that was not included in the original scope of work outlined by the Township of Piscataway and not anticipated in the proposal from Remington & Vernick Engineers to the Township for said Project; and

WHEREAS, N.J.A.C. 5:30-11.6 authorizes the Township to approve change orders for professional services for a project; and

WHEREAS, the Township Supervisor of Engineering has reviewed the proposal for additional services dated December 14, 2020, in the amount not to exceed \$34,300.00 and recommends approval of same; and

WHEREAS, there is funding available pursuant to certification # R-R-2020-0136;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount with Remington & Vernick Engineers from \$367,700.00 to \$402,000.00, an increase of not to exceed \$34,300.00, due to unanticipated work required in regard to the Baekeland Avenue Improvements from River Road (CR 622) to Cedar Avenue, subject to all bid specifications and contract documents.

RESOLUTION #20-405

WHEREAS, the Township of Piscataway (the “Township”) wishes to enter into a Settlement Agreement with Grucci Fireworks (“Grucci”), in regard to the Fireworks Performance Contract in connection with the “Piscataway Independence Day Celebration” (the “Settlement Agreement”); and

WHEREAS, the Township Attorney has reviewed the Settlement Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof, and recommends execution of same; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement in substantially the form attached hereto, subject to such final changes as may be approved by the Mayor upon advice of the Township Attorney; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and Clerk are hereby authorized to execute the Agreement and take any action necessary to effectuate same.

RESOLUTION #20-406

WHEREAS, certain General Capital, Senior Housing Utility Capital, and Sewer Utility Capital, Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Improvement Fund, credited to Capital Surplus, or, the unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Piscataway, County of Middlesex, New Jersey, that the following unexpended and dedicated balances of the General Capital, Senior Housing Utility Capital and Sewer Utility Capital Appropriations be cancelled.

CURRENT FUND

Year	Ordinance #	Date Authorized	Description	Balance to Be Cancelled	Cancel To: Capital Surplus	Cancel To: Unfunded to Reduce Borrowing
Senior Housing Utility Capital					\$ -	
SFY 2007	2006-50	12/19/2006	Various Capital Projects: Photocopy Machine	\$ 1,300.00	\$ 1,300.00	
			Various Capital Projects: Salt & Sand Machine	\$ 5,067.50	\$ 5,067.50	
			Various Capital Projects: Roofing System	\$ 2,800.00	\$ 2,800.00	
			Various Capital Projects: Plumbing	\$ 3,786.40	\$ 3,786.40	
SFY 2008	2007-35	12/18/2007	Various Capital Projects: Window Replacement	\$ 36,741.30	\$ 36,741.30	
			Various Capital Projects: Curbs/Sidewalk	\$ 420.30	\$ 420.30	
SFY2010 & FY2012	2010-14/2012-18	4/12/10 & 11/8/2012	Building Improvement: Section 20 Cost	\$ 27,770.18	\$ 27,770.18	
			Building Improvement:	\$ 107,465.79	\$ 107,465.79	
TOTAL SENIOR HOUSING CAPITAL				\$ 185,351.47	\$ 185,351.47	
Sewer Utility Capital						
CY 2017	2017-30	12/5/2017	Various Sewer Capital: Replacement Canopy	\$ 885,000.00	\$ 885,000.00	
TOTAL SEWER CAPITAL				\$ 885,000.00	\$ 885,000.00	
General Capital						
SFY 2007	2007-02	3/6/2007	Various Capital Improvements	\$ 4,102.06	\$ 4,102.06	
SFY-2008	2008-10	4/8/2008	Land Acquisition: Highland Avenue	\$ 24,189.81	\$ 24,189.81	
SFY-2009	2009-04	2/3/2009	Various Capital Improvements: Legal & Bonding	\$ 37,682.30	\$ 37,682.30	
			Various Capital Improvements: Roads William Street, Sherman, Walnut Street, Culvert	\$ 529,430.10	\$ 529,430.10	
			Various Capital Improvements: Defibrillators	\$ 320.00	\$ 320.00	
SFY-2009	2009-40	11/24/2009	Various Capital Projects: Building Drainage	\$ 7,712.67	\$ 7,712.67	
CY-2012	2012-02	1/24/2012	Various Road Improvements: Section 20 Cost	\$ 3,085.81	\$ 3,085.81	

Year	Ordinance #	Date Authorized	Description	Balance to Be Cancelled	Cancel To: Capital Surplus	Cancel To: Unfunded to Reduce Borrowing
CY-2013	2013-06	2/28/2013	Various Capital Improvements	\$ 92,971.38		\$ 92,971.38
	2013-26/2015-32	11/26/2013	Various Road Rehabilitation: Section 20 Legal	\$ 472,608.97		\$ 472,608.97
			Various Road Rehabilitation: Lakeview Avenue	\$ 825,000.00		\$ 825,000.00
CY-2014	2014-14/2015-33	11/25/2014	Road Rehabilitation: School Street	\$ 825,091.30		\$ 825,091.30
CY-2016	2016-37	12/6/2016	Various Road and Curbs: Water Street	\$ 250,034.00		\$ 250,034.00
CY-2017	2017-29	11/9/2017	Special Assessment: Pisc. Urban Renewal RCS	\$ 494,761.93		\$ 494,761.93
					\$ -	
			TOTAL GENERAL CAPITAL	\$ 3,566,990.33	\$ 606,522.75	\$ 2,960,467.58
				\$ 4,637,341.80	\$ 1,676,874.22	\$ 2,960,467.58

The following are the disbursements from the month of November 2020.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Mayor and Council wished everyone Happy Holidays

The Council considered the matters on the Agenda session:

- MAYOR'S APPOINTMENTS:
 - Civil Rights Advisory Commission.
 - Green Initiatives Committee.
 - Historic Preservation Advisory Commission.
 - Municipal Alliance Substance Abuse Task Force.
 - Planning Board.
 - Presiding Municipal Court Judge.
- ORDINANCE – FIRST READING – Adopting the Redevelopment Plan for the Property Commonly Known as 1570 South Washington Avenue and Designated As Block 5101, Lots 5.02, 6.02 And 7.02.
- ORDINANCE – FIRST READING – Adopting the Redevelopment Plan for the Property Commonly Known as 141 Circle Drive North and Designated As Block 4102, Lot 2.
- APPOINTMENTS:
 - Appointment of Deputy Municipal Clerk.
 - Appointment of Deputy and Alternate Deputy Registrars.
 - Appointments to Board of Ethics.
 - Appointment of Conflict/Emergency Municipal Court Judge.
 - Appointments to Cultural Arts Advisory Commission.
 - Appointments to Health Advisory Commission.
 - Appointments to Housing & Community Development Advisory Committee.
 - Appointment of Council Member to Middlesex County Housing & Community Development Committee.
 - Appointments to Library Board of Trustees.
 - Appointment of Certified Animal Control Officer & Animal Cruelty Investigator.
 - Appointments to Property Maintenance Board of Appeals.
 - Appointments to Public Relations Advisory Commission.
 - Appointments to Recreation Advisory Commission.
 - Appointments to Rent Leveling Board.
 - Appointments to Senior Citizens Advisory Commission.
 - Appointments to Senior Citizens Housing Board of Trustees.
 - Appointments to Zoning Board of Adjustment.
 - Appointment of Supervising Prosecutor.
 - Appointment of Township Prosecutors.
 - Appointment of Public Agency Compliance Officer.
 - Appointment of Municipal Court Judge.
 - Appointment of Public Defenders.
 - Appointment of Municipal Court Administrator.
 - Appointment of Deputy Municipal Court Administrator.
 - Appointment of Special Police Officers.
 - Appointment of Police Matrons.
 - Appointment of Treasurer.
 - Appointment of Business Administrator.
 - Acceptance of Qualifications and Rates and Appointments of Township Professionals for 2021.
 - Appointment of Recycling Coordinator and Authorization to Apply for 2020 Recycling Tonnage Grant.
 - Appointment of Clean Communities Coordinator and Authorization to Apply for Clean Communities Grant.
 - Designation of Certifying Official for Municipal Lien Searches.
 - Designation of Subdivision Search Officer.

- Designation of Agent of Township for Filing Applications with State D.E. P. for Flood Hazard Area Permit Authorizations.
- Designation of Agent of Township for Filing Applications with Freehold Soil Conservation District (FSCD).
- Designation of Agent of Township for Filing Applications with State D.E.P. for Extension of Sanitary Sewers.
- Designation of Official Township Depositories.
- Approval of Cash Management Plan for 2021.
- Designation of Official Newspapers.
- Designation of Newspapers to Receive Notice of Meetings.
- Designation of Signatures for Signing of Checks.
- Designation of Interest Charges for Delinquent Taxes, Sewer Service Charges, and Assessments.
- RESOLUTION – Authorizing Piscataway Township Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program and Enable them to Request and Acquire Excess Department of Defense Equipment.
- RESOLUTION – Authorizing Shared Services Agreement for Animal Control Services.
- RESOLUTION – Authorizing Advertising 2021 Master Bid List.
- RESOLUTION – Authorizing Refund of Overpayment of Taxes – Various Blocks and Lots.
- RESOLUTION – Authorizing Cancellation of Taxes for Small Balances.
- RESOLUTION – Adams Street Project.
- APPOINTMENT OF COUNCIL COMMITTEES:
 - Public Safety
 - Public Works
 - Finance
 - Personnel

OPEN TO PUBLIC:

Matthew Knoblach, 132 8th St, spoke about deer problems in town and is looking for permission to bow hunt. Discussion ensued with council.

Brian Rak, 1247 Brookside Rd, would like council to enable computer audio for the meetings.

Herb Tarbous, commended resident for bringing up deer problem and believes it's from overdevelopment. Asked for clarification on Agenda for January 1, 2021. Mrs. Cahill explained.

David Akins, 39 Ambrose Valley Ln, asked for clarification on high water rescue vehicle. Mr. Dacey responde.d

There being no further business to come before the council, the meeting was adjourned at 8:29pm on motion of Mr. Shah, seconded by Mrs. Lombardi, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

Gabrielle Cahill
Council President