

City of Woodbury
City Council Meeting Agenda
33 Delaware Street, Woodbury, NJ 08096
September 22, 2021
6:30 p.m.

Pledge of Allegiance

Moment of Silent Reflection

Reading of the Open Public Meeting Statement

Roll Call

Oath of Office, Fran Harwell, Second Ward Council Member

Oath for Councilwoman Harwell to be given by Assemblyman William Spearman, Legislative District 5

Approval of Minutes

- April 14, 2021
- July 14, 2021
- August 11, 2021

Open to the Public for Agenda Items

Ordinances

ORDINANCE NO. 2343-21 AN ORDINANCE AMENDING THE CODE BOOK OF THE CITY OF WOODBURY TO ADOPT A NEW CHAPTER TO BE ENTITLED “MASSAGE BUSINESSES”

ORDINANCE NO. 2344-21 AN ORDINANCE TO FIX AND ESTABLISH SALARIES AND RATE OF COMPENSATION ON THE VARIOUS OFFICERS AND EMPLOYEES OF THE CITY OF WOODBURY IN THE COUNTY OF GLOUCESTER, AND TO PROVIDE THE MANNER OF PAYMENT THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith

ORDINANCE NO. 2345-21 AN ORDINANCE OF THE CITY OF WOODBURY AMENDING CHAPTER 156 “SEWERS” AND CHAPTER 197 “WATER” OF THE CODE OF THE CITY OF WOODBURY

ORDINANCE NO. 2346-21 AN ORDINANCE OF THE CITY OF WOODBURY REPEALING ORDINANCE 2336-21 AND ADOPTING A NEW CHAPTER 165, STORMWATER CONTROL, OF THE CODE BOOK OF THE CITY OF WOODBURY

ORDINANCE NO. 2347-21 AN ORDINANCE TO AMEND THE CODE BOOK OF THE CITY OF WOODBURY CHAPTER 178 ENTITLED “TAXATION” TO ADD ARTICLE II ENTITLED “TOTALLY DISABLED VETERAN’S AND SURVIVING SPOUSE’S TAX EXEMPTION”

Second Reading for each
Ordinance

Resolutions

RESOLUTION NO. 21-130 RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY DECLARING THE SECOND MONDAY IN OCTOBER BE KNOWN AS INDIGENOUS PEOPLES DAY IN THE CITY OF WOODBURY

CONSENT AGENDA

RESOLUTION NO. 21-131 RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY AWARDDING A CONTRACT TO RICCO CONSTRUCTION CORP. FOR THE SITE DEMOLITION OF 32, 38, 40 W. BARBER AVE AND 607 GREEN STREET

RESOLUTION NO. 21-132 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING A CHANGE ORDER FOR THE FY2020 WATER MAIN REPLACEMENT PROJECTS

RESOLUTION NO. 21-133 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING A CHANGE ORDER FOR THE FY2020 LOCAL ROAD PROGRAM

RESOLUTION NO. 21-134 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY HIRING A SPCEIAL LAW ENFORCEMENT OFFICER CLASS II FOR THE WOODBURY CITY POLICE DEPARTMENT, NUNC PRO TUNC

RESOLUTION NO. 21-135 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE EXECUTION OF AN EMERGENCY REPAIR CONTRACT WITH PIONEER PIPE FOR THE REPAIR OF A LEAKING WATER VALVE AT HESTERS AVENUE AND SOUTH EVERGREEN AVENUE, AUGUST 11, 2021

RESOLUTION NO. 21-136 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR INTERIM PROFESSIONAL MANAGEMENT SERVICES FOR A CITY MANAGER FOR THE CITY OF WOODBURY

RESOLUTION NO. 21-137 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR EXECUTIVE SEARCH SERVICES FOR A CITY ADMINISTRATOR FOR THE CITY OF WOODBURY

END CONSENT AGENDA

Unfinished Business

New Business

Open to the Public

Adjournment

NOTICE PURSUANT TO N.J.S.A 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Council President of the City of Woodbury constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2343-21

**AN ORDINANCE AMENDING THE CODE BOOK OF THE CITY OF WOODBURY TO
ADOPT A NEW CHAPTER TO BE ENTITLED "MESSAGE BUSINESSES"**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey as follows:

Section 1. The Code of the City of Woodbury is hereby amended to add a new Chapter entitled "Message Businesses" to read as follows:

MESSAGE BUSINESSES

(1) License required for massage/bodywork establishment.

No person, corporation or business entity shall operate any establishment or utilize any premises in the city as and for a massage business, acupuncture therapy, reflexology, bodywork therapy or a massage therapy business unless and until there first has been obtained a license for such establishment or premises from the city clerk in accordance with the terms and provisions of this chapter.

(2) License required for a massage or bodywork therapist.

No person shall render or perform services as a masseur, masseuse, massage therapist, reflexologist, bodywork therapist, acupuncture therapist or engage in the business of or be employed as a masseur, masseuse, massage therapist, reflexologist, bodywork therapist or acupuncture therapist unless and until he or she has obtained a license from the city clerk in accordance with the terms and provisions of this chapter.

(3) Application for license.

Each and every application for a license, either for an establishment or premises to be used for a massage business or for a masseur's, masseuse's, massage therapist's, reflexologist's, bodywork therapist's or acupuncture therapist's license shall provide the city clerk with satisfactory evidence of:

- A. The name and address of the applicant and all former addresses for a period of three years prior to making the application;
- B. The applicant is eighteen (18) years of age or older;
- C. The address of the establishment or premises to be used in the massage business and a physical description of the property and facilities, if an applicant desires a license for such establishment or premises;
- D. If the applicant desires a masseur's or masseuse's, massage therapist, reflexologist's, bodywork therapist's or acupuncture therapist's license, a statement of all employment for a period of three years prior to making the application;

E. A statement as to whether or not the applicant, or any officer or director thereof, if a corporation, has even been convicted of a crime in this or any other state;

F. A diploma or certificate of graduation from an approved school or other institution of learning wherein the method, profession and work of massage therapists is taught. The term "approved school or other institution of learning" means and includes any school or institution of learning which complies with the following criteria:

1. It has been accredited by either The American Massage and Therapy Association or the International Myomassethics Federation, Inc., or
2. It has been approved by the New Jersey Department of Education,
3. It shall have as its principal purpose the teaching of the theory, method, profession or work of massage therapists,
4. It shall require a residence course of study of not less than six hundred (600) hours to be given in not less than six calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning, showing the successful completion of such course of study or learning.

It shall be the responsibility of the applicant to provide the city clerk with the information substantiating that the applicant's course of study meets the above criteria. Schools offering correspondence courses and not requiring actual class attendance shall not be deemed approved schools. The clerk shall have the right to confirm the fact that an applicant has actually attended classes and matriculated in an accredited school;

G. Active professional membership in good standing with the Associated Bodywork & Massage Professionals or American Massage Therapy Association.

(4) License fees.

A. Massage/Bodywork Establishment. The applicant for a license for an establishment or premises shall pay an annual license fee of fifty dollars (\$50.00) which license fee shall become due on the first day of January each year.

B. The applicant for a massage therapist or acupressure licensee shall pay an annual license fee of two hundred dollars (\$200.00) which license fee shall become due on the first day of January of each year.

(5) Approval.

Each applicant for a license or the renewal thereof, either to operate a massage/bodywork establishment or premises or to engage in the business of or to be employed as a massage therapist, reflexologist, bodywork therapist or acupressure therapist, which is submitted to the city clerk, shall be approved by the city council before any license is issued. The city council shall not approve such application if, on the basis of past criminal record of the applicant or of the principals thereof, or on the basis of other evidence of bad character or morals, or on the basis that the individual applicant or establishment has violated this or any other city ordinance, it shall be determined that the granting or

renewal of such license would tend to encourage or permit criminal or immoral activities within the city.

(6) Exceptions

The provisions of this chapter shall not apply to massage, acupuncture or physical therapy treatments given:

- A. In the office of a licensed physician, osteopath, chiropractor or physical therapist;
- B. In a regularly established medical center, hospital or sanitarium having a staff which includes licensed physicians, osteopaths, chiropractors and/or physical therapists;
- C. By any licensed physician, osteopath, chiropractor or physical therapist in the residence of his or her patient.

(7) Violation - Penalty.

Any person, corporation or business violating the provisions of this chapter shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000.00) or both at the discretion of the court.

Any person, corporation or business violating the provisions of this chapter may, at the discretion of the mayor and council may have their license to operate and perform services suspended and/or revoked. Any violation of an employee, agent or servant shall be deemed a violation by the employer business.

Section 2. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2343-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 8, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2343-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and

State of New Jersey at a regular business meeting held on **September 22, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

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CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2344-21

AN ORDINANCE TO FIX AND ESTABLISH SALARIES AND RATE OF COMPENSATION ON THE VARIOUS OFFICERS AND EMPLOYEES OF THE CITY OF WOODBURY IN THE COUNTY OF GLOUCESTER, AND TO PROVIDE THE MANNER OF PAYMENT THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Woodbury, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. The payment of all salaries and compensation required to be made under the provisions of this ordinance shall be on an annual, bi-weekly, quarterly or hourly pays-per-year basis commencing with the first pay period of January 2021 or as otherwise noted below.

SECTION 2. The salary of the following officers and employees classifications shall be:

SECTION 2A. ANNUAL SALARY (Paid in 26 Bi-Weekly Pays in 2021)

1	Administrator		\$90,000.00 - \$135,000.00
2	Fire Administrator		\$1 - \$10,000.00
3	Deputy Administrator		\$ 5,100.00
4	Chief Financial Officer		\$ 117,748.05
	Grants Coordinator & Treasurer		
	Qualified Purchasing Agent (QPA)		
	Joint Insurance Fund Commissioner		
5	City Clerk/Deputy Registrar		\$ 51,000.00
6	Deputy Clerk/Registrar		\$ 40,000.00
7	Tax and Utility Collector		\$ 72,162.14
8	Senior Housing Inspector		\$ 62,913.31
9	Planning Board Administrator		\$ 6,494.60
10	Zoning Officer		\$ 10,824.32
11	Emergency Management Coordinator		\$ 5,412.16
12	Public Works Manager		\$ 94,145.03
13	Recycling Coordinator		\$ 5,306.04
14	Public Works Operations Manager		\$ 75,353.51
15	JIF Safety Coordinator		\$ 7,988.26
16	Deputy Emergency Management Coordinator		\$5,000.00 - \$6,184.90

SECTION 2B. ANNUAL SALARY (Paid Quarterly)

1	Mayor		\$	3,566.54
2	President of City Council		\$	3,028.86
3	Councilpersons		\$	2,668.80

SECTION 2C. HOURLY

1	Annual Dog Clinic Workers	for day 4/24/21	\$	80.00
2	Police Special Officers	SLEO I	\$	13.27
3	Police Special Officers	SLEO II	\$	15.72
4	Police Special Officers	SLEO III	\$	30.60
5	Senior Special Law Enforcement Officer II			\$15.00 to \$30.60
6	Police Cadet		\$	11.52
7	Police Maintenance Person		\$	22.08
8	Crossing Guards		\$	13.82
9	Intern			\$ 15.00 - \$20.00

SECTION 3. The City recognizes the following unions, whose member employees' salaries and hourly rates are stated in their respective collective bargaining agreements - PBA Local 122, FMBA 62, and UFCW Local 360. In addition to the annual salary, certain members of the Police Department and Fire Department shall be paid for thirteen (13) legal holidays in accordance with contractual agreements. Payment shall be made on or before December 1, 2021 or as specified in contractual agreements.

	Administrative and Clerical		
1	Registrar		*Contract
2	Assistant Municipal Finance Officer		*Contract
3	Water & Sewer Meter Coordinator		*Contract
4	Assistant Billing Clerk		*Contract
5	Administrative Secretary		*Contract
6	Board of Health Secretary		*Contract
7	Police Clerk		*Contract
8	Police Administrative Assistant		*Contract
9	Housing Official		*Contract
10	Code Enforcement Officer		*Contract
11	Clerk / Cashier		*Contract
	Public Works Department		
1	Driver / Laborer		*Contract

	Police Department		
1	Chief of Police		*Contract
2	Captain		*Contract
3	Lieutenant		*Contract
4	Sergeant		*Contract
5	Corporal		*Contract
6	Detective		*Contract
7	Patrol Officer		*Contract
	Fire Department		
1	Fire Official		*Contract
2	Fire Fighter		*Contract

SECTION 4. The following shall be paid in accordance with contractual agreements - shift differential, shift leader pay, on-call pay and clothing maintenance allowance.

SECTION 5. The use of private automobiles, where authorized on City business, shall be compensated on the basis as allowed by the Internal Revenue Service. Payment will be made by voucher upon proper certification of use by the employee.

SECTION 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect upon final passage and publication as required by law. If any section, paragraph, subdivision, clause or provision of the ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2344-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 8, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2344-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 22, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

ORDINANCE NO 2345-21

**AN ORDINANCE OF THE CITY OF WOODBURY AMENDING
CHAPTER 156 “SEWERS” AND CHAPTER 197 “WATER”
OF THE CODE OF THE CITY OF WOODBURY**

WHEREAS, the Mayor and Council of the City of Woodbury have determined that certain amendments to Chapter 156 entitled “**Sewers**” and Chapter 197 entitled “**Water**” are necessary; and

WHEREAS, in all other respects Chapter 156 entitled “**Sewers**” and Chapter 197 entitled “**Water**” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Woodbury, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

1. Chapter 156-1 of the Code of the City of Woodbury, “Rents and fees prescribed” is hereby amended and shall henceforth read in its entirety as follows:

§156-1. Rents and fees prescribed.

All persons whose houses, buildings or properties are connected with or which may be connected to the sanitary sewer system of the City shall pay the rents and fees prescribed as follows:

A. Minimum annual charge:

- (1) The following charges shall be made for sewer service for each unit connected with the sewer and receiving water service, payable quarterly on January 15, April 15, July 15 and October 15 of each year.

Type of User	Minimum Annual Charge
Each single-family user	\$ 638
Structures with apartments or stores, each	
apartment or store	\$ 638
Service stations and garages	\$1,276
Small businesses	\$ 638
Churches	\$ 638

- (2) For other types of users, the following schedule of charges is to be used, payable quarterly on January 15, April 15, July 15 and October 15, except that services having a water meter larger than one inch shall be billed per billing period.

- a. The charge for hotels, motels, boardinghouses, private dwellings with rented rooms, public buildings, self-service laundries, car washes, restaurants, public and private schools, diners, taverns, bars, hospitals, nursing homes, bowling alleys, theaters, shopping centers, large business establishments or plants and other commercial and industrial establishments not herein specifically mentioned shall be based upon metered water consumption. Such billing shall be based upon the unit charge of \$159.50 for each 25,000 gallons of water or fraction thereof used per quarter.

- b. The rate for industrial users shall be established by resolution of the City Council, which rate shall be based on quantity and concentration of sewage other than that of domestic sewage and cost to the City of Woodbury for particular treatment process as well as the nature of the industry.
 - (3) Notwithstanding anything to the contrary in this section, the minimum service charge to be paid with respect to any type of property or business shall be \$638 per annum.
 - B. Special rates. In any special case not contemplated in the schedule of rates set out in this section or not clearly defined herein, the City Council is hereby authorized to establish special rates or rentals under such schedules or formulas as the City Council may deem necessary and to make, execute and deliver such contracts or agreements with such special consumers as the circumstances may require.
 - C. Drainage water permits. No person, firm or corporation, either owner, user or tenant of any land and premises, shall cause to be drained or allow to flow or to be deposited into any part of the sewer system storm, roof or surface water or drainage of groundwater; provided, however, that upon proper application, a special permit, entitled "drainage water permit," shall be issued for an annual fee of \$155.
2. Chapter 197-23 of the Code of the City of Woodbury, "Minimum charges for metered service" is hereby amended and shall henceforth read in its entirety as follows:

All persons whose houses, buildings or properties are connected with or may be connected to the water system of the City shall pay the rates and fees prescribed as follows:

- A. There shall be a minimum charge for all water passing through meters installed pursuant to the provisions of this chapter, which shall be based upon the following schedule, such charges to be billed quarterly.

Size of Meter (inches)	Water Allowed (gallons)	Minimum Rate
5/8	Up to 5,000	\$37.13
3/4	Up to 5,000	\$37.13
1	Up to 5,000	\$37.13

- B. In addition to the foregoing minimum charge, there shall be an additional minimum charge for each connected service furnishing water to apartments, multiple-family dwellings, stores or any dual or multiple occupancy, in the sum of \$37.13 for each such unit in excess of one. Wherever such additional minimum charge is enforced, an additional 5,000 gallons of water will be allowed for each additional \$37.13 of minimum charge billed.

- C. Wherever there exists a sprinkler system designed to afford protection against destruction of property by fire, the following rates shall be charged quarterly:

Size of Service

(inches)	Charge
4	\$89
6	\$178

- D. The foregoing minimum rates shall be charged whenever an established service exists even though there shall be no actual consumption of water through such service.

3. Chapter 197-24 of the Code of the City of Woodbury, "Additional charges based on water consumption" is hereby amended and shall henceforth read in its entirety as follows:

- A. In addition to the minimum charges enumerated in the preceding section, for all water drawn above the minimum used there shall be charged per billing period the following rates:

Gallons per quarter	Charge per 1,000 gallons
First 10,000 of excess	\$4.94
Next 10,000 of excess	\$5.94
All additional excess	\$7.89

- B. In special cases not contemplated in this schedule of rates or not clearly defined therein, the City Council is hereby authorized to establish special rates or rentals under such schedules or formulas as the City Council may deem necessary to keep and maintain the Public Works Department on a self-liquidating basis, and to make, execute and deliver such contracts with such special consumers as the circumstances may require; provided, however, that the City Council reserves the right to amend, alter or change this section by resolution from time to time as circumstances may require.

- C. Excess usage of the Woodbury Board of Education shall be billed at the City of Woodbury's first-tier excess use rate, i.e., the rate charged for the first 10,000 gallons of excess water usage as set forth in § 197-24A.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

CITY OF WOODBURY

PHILIP HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON
Acting City Clerk

Approved:

PEG SICKEL
Mayor

Date introduced: _____
Date advertised: _____
Date adopted: _____

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Vacant				
Councilwoman O'Connor				
Councilwoman Parker				
Council President Hagerty				

CERTIFICATION OF INTRODUCTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2345-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 8, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Vacant				
Councilwoman O'Connor				
Councilwoman Parker				
Council President Hagerty				

CERTIFICATION OF ADOPTION

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Cassidy L. Swanson
Acting City Clerk

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2346-21

**AN ORDINANCE OF THE CITY OF WOODBURY REPEALING ORDINANCE 2336-21
AND ADOPTING A NEW CHAPTER 165, STORMWATER CONTROL, OF THE CODE
BOOK OF THE CITY OF WOODBURY**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has amended Stormwater Management Rules (N.J.A.C. 7:8-1 *et. seq.*); and

WHEREAS, there was a need to amend Chapter 165, Stormwater Control, of the Code Book of the City of Woodbury to reflect the updated Stormwater Management Rules;

WHEREAS, the City of Woodbury adopted Ordinance 2336-21 to repeal and replace Chapter 165, Stormwater Control, of the Code Book of the City of Woodbury to adhere to the requirements of the NJDEP's amended Stormwater Management Rules on August 14, 2021; and

WHEREAS, the Gloucester County Planning Board reviewed the amended Stormwater Control Chapter and determined that certain amendments were necessary as described in their June 15, 2021 letter to the City of Woodbury (attached as **Exhibit A**); and

WHEREAS, Chapter 165, Stormwater Control, has been reviewed in consideration of the County of Gloucester's recommendations and found to be in need of amendment.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Woodbury, County of Gloucester, State of New Jersey, that Ordinance 2336-21 Repealing and Replacing Chapter 165, Stormwater Control, of the Code of the City of Woodbury, adopted August 14, 2021 be and is hereby repealed; and

BE IT FURTHER ORDAINED, that Chapter 165, Stormwater Control, be repealed and a new Chapter 165, Stormwater Control, is hereby adopted to reflect the New Jersey Department of Environmental Protection (NJDEP) amended Stormwater Management Rules (N.J.A.C. 7:8-1 *et. seq.*) to read as set forth in "**EXHIBIT B**".

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication as required by law.

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Vacant				
Councilwoman Moore				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

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Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				

Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

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Cassidy Swanson, Acting City Clerk

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ORDINANCE 2346-21

EXHIBIT B

Chapter 165-1. Scope and purpose.

A. Policy Statement.

1. 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.

1. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 165-2.

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 Woodbury City.

D. Compatibility with other permit and ordinance requirements.

1. 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.
2. 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.

Chapter 165-2. Definitions.

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

“Compaction” 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 Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be (1) a county planning agency or (2) a county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” 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, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or (4) a combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Motor vehicle” 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 (3) 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.

Chapter 165-3. 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.

Chapter 165-4. 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 165-10.
- 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. 13:1B-15.147 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 165-4(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 165-4 (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 165-4(P) (Q) and (R) to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 165-4 (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 Section 165-4(D)(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 165-4 (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 165-4(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 (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e)
				1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	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	--

^(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.

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 (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	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

^(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.

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 (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	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

^(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 165-6(B). Alternative stormwater management measures may be used to satisfy the requirements at Section 165-4(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 165-4(O)(2) are subject to the contributory drainage area limitation specified at Section 165-4(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 165-4(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 165-4(D) is granted from Section 165-4(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 165-8(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 165-8; 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 165-4(O)(4).
- K. Any application for a new agricultural development that meets the definition of major development at Section 165-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Section 165-2 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 165-4(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 Gloucester County Clerk. A form of deed notice shall be submitted to the City of Woodbury 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 165-4(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 165-10(B)(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the City of

Woodbury. 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 Office of the Gloucester County Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the City of Woodbury 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 City.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the City, if the City determines that the proposed alteration or replacement meets the design and performance standards pursuant to §141-4 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 City for approval and subsequently recorded with the Office of the Gloucester 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 City 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 165-4(P) and (Q), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 165-4(F). and/or an alternative stormwater management measure approved in accordance with Section 165-4(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	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention	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 165-4(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 165-4(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 165-4(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 165-4(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 165-4(P)(Q) and (R), unless the project is granted a waiver from strict compliance in accordance with Section 165-4(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 165-5, either:
 - a. 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
 - b. 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:
 - a. 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
 - b. 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:
 - a. 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.
 - b. 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	0.2349	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	1.0386	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 165-4(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:
 - a. 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;
 - b. 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;
 - c. 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

- d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Section 165-4(R)(2)(b) and 165-4(R)(2)(c) 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.

Chapter 165-5. 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:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - b. 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 165-5(A)(1)(a) and the Rational and Modified Rational Methods at Section 165-5(A)(1)(b) 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:

1. 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.

Chapter 165-6. 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/bmp_manual2.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/maintenance_guidance.htm.

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

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

Chapter 165-7. Solids and Floatable Materials Control Standards.

A. Site design features identified under Section 165-4(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 165-7(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:
 - a. 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
 - b. 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.
 - i. 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.
 - c. 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 Section 165-7(A)(1) above does not apply:
 - a. 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;
 - b. 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;
 - c. 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:
 - i. 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
 - ii. 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).

- d. 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
- e. 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.

Chapter 165-8. 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 165-8(C)(1), Section 165-8(C)(2), and Section 165-8(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:
 - a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - c. 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
 - d. 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:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension

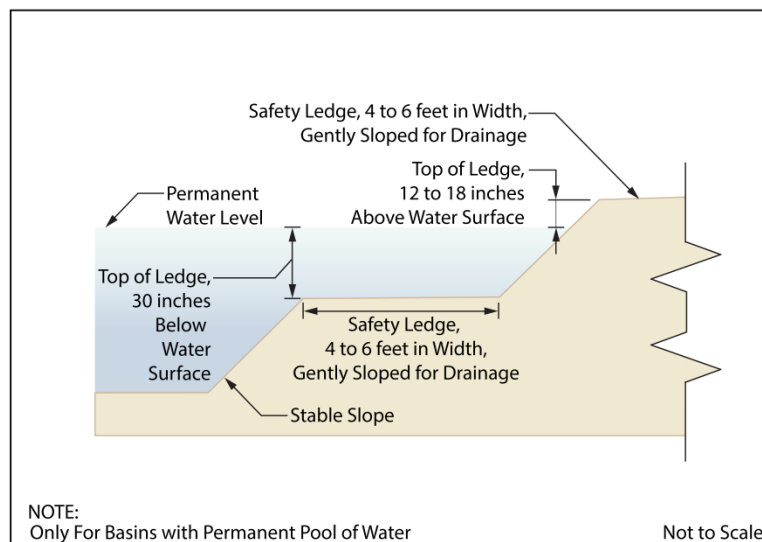
- c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - a. If a stormwater management 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 Section 165-8(C)(C), a free-standing outlet structure may be exempted from this requirement;
 - b. 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 Section 165-8(E) for an illustration of safety ledges in a stormwater management BMP; and
 - c. 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.

1. 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.

1. Elevation View – Basin Safety Ledge Configuration.



Chapter 165-9. 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 165-9(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 three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 165-9(C) of this ordinance, in addition to submitting one (1) electronic copy of all reports and associated plans.

B. Site Development Stormwater Plan Approval.

1. 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 Section 165-3 through Section 165-5 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 165-4 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 165-10.
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 165-9(C)(6) through Section 165-9(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.

Chapter 165-10. Maintenance and Repair.

- A. Applicability. Projects subject to review as in Section 165-1(C) of this ordinance shall comply with the requirements of Section 165-10(B) and Section 165-10(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 165-10(B)(3) above is not a public agency, the maintenance plan and any future revisions based on Section 165-10(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 165-10(B)(3) above shall perform all of the following requirements:
 - a. 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;
 - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - c. 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 165-10(B)(6) and Section 165-1(B)(7) above.
8. The requirements of Section 165-10(B)(3) and Section 165-10(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 City 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.

Chapter 165-11. Penalties.

- A. 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. For each violation of any provision of the within ordinance, a fine of up to \$1,200.00 for each day the violation continues, where each day shall constitute a separate violation.
 2. A term of imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days.
 3. For any violation of any provision of the within chapter, the Code Enforcement Official of the City may issue a stop work order.
 4. Failure to comply with any such stop work order shall be an additional violation of this chapter and shall subject any violator to an additional fine of up to \$1,200.00 for each day the violation continues, where each day shall constitute a separate violation.
 5. These fines and penalties are in addition to any fines and/or penalties assessed by any other State, County or Federal agency or authority.

Chapter 165-12. Severability.

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

Chapter 165-13. Effective Date.

- A. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.
- B. ALL OF WHICH IS ADOPTED THIS 22 day of September, 2021, by the City Council of the City of Woodbury, County of Gloucester, State of New Jersey.

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2347-21

**AN ORDINANCE TO AMEND THE CODE BOOK OF THE CITY OF WOODBURY
CHAPTER 178 ENTITLED "TAXATION" TO ADD ARTICLE II ENTITLED
"TOTALLY DISABLED VETERAN'S AND SURVIVING SPOUSE'S TAX
EXEMPTION"**

WHEREAS, N.J.S.A.54:4-3.30 permits a veteran who is declared by the United States Veteran's Administration or its successor to be 100% permanently disabled to receive a real property tax exemption for their dwelling house and lot; and

WHEREAS, N.J.S.A.54:4-3.31 explicitly states the upon written claim made and accepted by the county tax assessor for the municipality, the exemption shall be placed upon the tax rolls, and that such exemption shall be allowed and prorated by the assessor for the remainder of any taxable year from the date the written claim has been made and accepted by the county tax assessor; and

WHEREAS, N.J.S.A. 54:4-3.32 permits the governing body of each municipality to refund all taxes collected on property which would have been exempt had proper claim in writing been made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, it is appropriate for the City to adopt a uniform policy regarding the refund of taxes paid prior to the written claim being made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, recognizing that there could be a delay in the time period for when the veteran is deemed 100% disabled by the United State Veteran's Administration and the time period in which application for such exemption is made which could dramatically affect the amount of said refund being requested; and

WHEREAS, although it is recognized the special status accorded to veterans in this scenario, the financial affairs of the municipality must also be taken into account and it is further recognized that there may be a new generation of veteran's seeking such exemptions from Operation's around the world; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the municipality to adopt a uniform policy surrounding such requests for refunds pursuant to N.J.S.A.54:4-3.32; and

WHEREAS, such a uniform policy adopted hereby has been upheld by the Court in Salvatore Del Prior v. Edison Township 26 N.J. Tax 502 (2012).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey that Chapter 178, "Taxation,"

Article II, “Totally Disabled Veteran’s and Surviving Spouse’s Tax Exemption” be adopted as follows:

II. TOTALLY DISABLED VETERAN’S AND SURVIVING SPOUSE’S TAX EXEMPTION

1. The City will allow for either a veteran or surviving spouse of a veteran to obtain municipal property tax relief upon proper claim pursuant to N.J.S.A. 54:4-30 et seq. An eligible veteran shall be defined as a member of the armed forces who was either honorably discharged or released under honorable circumstances from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veteran’s Administration or its successor to have a service-connected disability and to be determined to be 100% permanently disabled.
2. In order to qualify for the municipal tax exemption, the veteran or someone on his/her behalf, under oath, must file a written claim with the County tax assessor’s office. The County tax assessor’s office will supply the applicant with the appropriate paperwork and the applicant will be required to provide the County tax assessor’s office with the following information:
 - a. Reason for exemption;
 - b. A description of the property for which the exemption is claimed;
 - c. A certificate of claimant’s honorable discharge or release under honorable circumstances from active service, in time of war and a certificate/letter from the United States Veteran’s Administration or its successors, certifying to a service connected disability;
 - d. Any other documentation as required by statute at the time the application is made.
3. In order for a surviving spouse of a veteran to qualify for the municipal tax exemption, the spouse, under oath, must file a written claim with the County tax assessor’s office. The County tax assessor’s office will supply the surviving spouse with the appropriate paperwork and the applicant will be required to provide the County tax assessor’s office with the following information:
 - a. Proof to establish that the spouse is the owner of legal title to the premises on which the exemption is made;
 - b. That the claimant occupies the dwelling house on said premises as the claimant’s legal residence in the State of New Jersey;
 - c. That the veteran has been declared by the United States Veteran’s Administration, or its successor, to have a service connected disability or that the veteran shall have been declared to have died in active service in time of war;
 - d. That the veteran is or would have been entitled to the exemption at the time of death;
 - e. The claimant is a resident of the State of New Jersey and has not remarried.
4. In determining a grant of a municipal tax exemption under this section, the City will prorate the exemption for the remainder of the year in which application is made and accepted by the City. Additionally, pursuant to N.J.S.A. 54:4-3.32 the City shall refund the veteran or surviving spouse all taxes previously paid for the year in which the application to the City is made only, retroactive to January 1st of said year. There shall be

no further retroactive refund granted, regardless of the disability date determination of the United States Veteran's Administration.

Section 2. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2347-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 8, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Vacant				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2347-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **September 22, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

RESOLUTION NO. 21-130

**RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY DECLARING
THE SECOND MONDAY IN OCTOBER BE KNOWN AS INDIGENOUS PEOPLES
DAY IN THE CITY OF WOODBURY**

WHEREAS, the City of Woodbury offers respect to the Nanticoke Lenni-Lenape Tribal Nation, recognizes the forced diaspora of the Delaware Tribe, and acknowledges that the City was built on portions of this Nation's land and territories of which the Lenape were stewards for thousands of years; and

WHEREAS, the City honors the Lenape in New Jersey and elsewhere for their practices of environmental sustainability and their understanding of the ways in which all elements are mutually interdependent; and honors also their cultural resilience throughout this nation's history; and

WHEREAS, the residents and elected leaders of the City of Woodbury strive for an open and supportive community that celebrates diversity and rejects systemic racism and oppression that targets all minority and indigenous peoples, including the Lenape; and

WHEREAS, Indigenous Peoples Day was first proposed in 1977 by a delegation of Native Nations at the International Conference on Discrimination Against Indigenous Populations in the Americas sponsored by the United Nations, and the United Nations later issued its Declaration on the Rights of Indigenous Peoples in 2007; and the City applauds the reaffirmation of tribal nation status to the Nanticoke Lenni-Lenape and other indigenous nations in New Jersey by former State Attorney General Gurbir Grewal in 2018; and

WHEREAS, the act of officially recognizing indigenous peoples on the second Monday of October will encourage the development and dissemination of truthful representations and acknowledgements of wrongs committed by European colonists and their descendants, who, since their first occupations in the Americas in the 16th century, engaged in forced removals of indigenous peoples from their homelands and committed acts that nearly exterminated them; and

WHEREAS, the City of Woodbury, New Jersey seeks to join a growing number of other states and communities across the United States that currently honor the lives of tribal peoples, including their cultures, traditions, and arts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Woodbury as follows:

- 1) The City of Woodbury affirms its support for the Woodbury Human Rights Commission to collaborate with community partners in developing educational opportunities to explore and celebrate the thriving cultures and values of the indigenous peoples in our region and beyond
- 2) The City of Woodbury encourages the Woodbury Public Schools to continue efforts to integrate the study of complex history, traditions, and arts of indigenous peoples into the school's curricula in order to revise distorted histories of "Indians" and applauds all other Woodbury schools that engage in similar curricula
- 3) The City of Woodbury encourages all businesses, organizations, and public institutions to recognize Indigenous Peoples Day
- 4) The City of Woodbury firmly commits itself to continue its efforts to promote the wellbeing and growth of New Jersey's indigenous communities
- 5) The Mayor and Council declare the second Monday in October to be Indigenous Peoples Day in the City of Woodbury, New Jersey

ADOPTED, at a meeting of the Mayor and City Council of the City of Woodbury on
SEPTEMBER 22, 2021

PHILIP D. HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				

Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

RESOLUTION NO. 21-131

**RESOLUTION OF THE CITY COUNCIL OF THE CITY WOODBURY
AWARDING A CONTRACT TO RICCO CONSTRUCTION CORP. FOR THE
SITE DEMOLITION OF 32, 38, 40 W. BARBER AVE AND 607 GREEN STREET**

WHEREAS, the City Clerk and Engineer received bids on September 15, 2021 for the Site Demolition Project, as set forth below:

<u>Contractor</u>	<u>Total Amount</u>
All State Wrecking, Inc.	\$112,000.00 (not complete)
Caravella Demolition Inc.	\$128,200.00 (not complete)
Ricco Construction Corp.	\$129,250.00
Folcher Associates Group	\$131,500.00
Neri's Construction & Rentals, Inc.	\$187,700.00

WHEREAS, the City Engineer has reviewed the bids received and by correspondence dated September 15, 2021, has recommended award of the Contract to Ricco Construction Corp. for the total bid amount of \$129,250.00; and

WHEREAS, Ricco Construction Corp. was not the lowest bidder as to the total project bid amount but was recommended by the City Engineer and City Solicitor as the lowest responsible bidder due to the rejection of the initial two (2) lowest bidders based upon the following reasons:

1. All State Wrecking, Inc., who was the lowest bidder at a total bid amount of \$112,000.00 but was rejected for including an unsigned Statement of Corporate Ownership/Stockholder Disclosure Certification pursuant to N.J.S.A. 52:25-24.2.
2. Caravella Demolition Inc., who was the second lowest bidder at a total bid amount of \$128,200.00, was rejected for failing to include a signed Bid Bond pursuant to N.J.S.A. 40A:11-21; and

WHEREAS, the two (2) lowest bidders were each rejected since their bid packages submitted to the City of Woodbury did not contain and/or have fully completed mandatory bid

submission document thereby resulting in their bids being rejected per N.J.S.A. 40A:11-22, N.J.S.A. 40A:11-23.2 and N.J.S.A. 52:25-23.2; and

WHEREAS, Ricco Construction Corp. was the lowest responsible bidder, complying with all bid requirements and specifications, and the amount is consistent with the Engineer's Estimate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Woodbury that:

1. A contract be and is hereby awarded to Ricco Construction Corp. for the Site Demolition Project in the total bid amount of \$129,250.00.
2. That the Mayor and/or Co-Acting Administrator is hereby authorized to execute a contract in accordance with the project specifications, the afore-described bid submitted, and the within Resolution.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on September 22, 2021.

CITY OF WOODBURY

By: _____
Phillip D. Hagerty,
Council President

ATTEST:

Cassidy L. Swanson,
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				

Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson, City Clerk

RESOLUTION NO. 21-132

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING A CHANGE ORDER FOR THE FY2020 WATER MAIN
REPLACEMENT PROJECTS**

WHEREAS, the City of Woodbury (Woodbury), with its principal place of business at 33 Delaware Street, Woodbury, New Jersey 08096, entered into a contract with P&A Construction, Inc. of Colonia, New Jersey for the FY2020 Water Main Replacement Projects, the “Project”, by Resolution #61-21 for the contract amount of \$442,501.75; and

WHEREAS, the Change Order 2 is required to reconcile the additional cost based on completion of the additional work by the Contractor as directed by the City Engineer, as set forth in the attached Change Order 2 dated September 16, 2021; and

WHEREAS, the final contract price including the Change Order 2 is \$509,021.75 resulting in an overall increase in the original contract price of \$66,520.00, or 15.03%; and

WHEREAS, such additions have been reviewed and approved by the City Engineer; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this change order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that the Mayor is hereby authorized to execute the attached Change Order No. 2 to the contract with P&A Construction, Inc. for the FY 2020 Water Main Replacement Projects.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury held on September 22, 2021.

CITY OF WOODBURY

By: _____
Philip D. Hagerty,
President of Council

ATTEST:

Cassidy Swanson,
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson
Acting City Clerk

RESOLUTION NO. 21-133

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING A CHANGE ORDER FOR THE FY2020 LOCAL ROAD PROGRAM**

WHEREAS, the City of Woodbury (Woodbury), with its principal place of business at 33 Delaware Street, Woodbury, New Jersey 08096, entered into a contract with Arawak Paving Co., Inc. of Hammonton, New Jersey for the FY2020 Local Road Program, the “Project”, by Resolution No. 21-61 for the contract amount of \$250,249.23; and

WHEREAS, the Change Order 1 is required to reconcile the change in quantities based on completion of the required work by the Contractor as directed by the City Engineer, as set forth in the attached Change Order 1 dated September 15, 2021; and

WHEREAS, the final contract price including the Change Order 1 is \$236,535.24 resulting in an overall decrease in the original contract price of \$13,713.99, or -5.4%; and

WHEREAS, such additions have been reviewed and approved by the City Engineer; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this change order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that the Mayor is hereby authorized to execute the attached Change Order No. 1 to the contract with Arawak Paving Co., Inc. for the FY 2020 Local Road Program.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury held on September 22, 2021.

CITY OF WOODBURY

By: _____
Philip D. Hagerty,
President of Council

ATTEST:

Cassidy L. Swanson,
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
Acting City Clerk

RESOLUTION NO. 21-134

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
HIRING A SPCEIAL LAW ENFORCEMENT OFFICER CLASS II FOR THE
WOODBURY CITY POLICE DEPARTMENT, NUNC PRO TUNC**

WHEREAS, due to vacancy, Mayor and Council of the City of Woodbury authorized the Police Chief and Police Captain to conduct a search for the purpose of identifying an individual to hire as a Special Law Enforcement Officer Class II; and

WHEREAS, the Police Chief and Police Captain have received applications and conducted such interviews and investigation of applicants as appropriate and consistent with the City's policies and procedures; and

WHEREAS, the Police Chief and Police Captain have determined that Devin C. Shields possesses the character and qualifications necessary to serve as a Special Law Enforcement Officer Class II for the Woodbury City Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Woodbury that Devin C. Shields is hereby hired as a Special Law Enforcement Officer Class II, effective September 9, 2021, nunc pro tunc.

ADOPTED, at a meeting of the Mayor and City Council of the City of Woodbury on **SEPTEMBER 22, 2021**

PHILIP D. HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				

Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson, Acting City Clerk

RESOLUTION NO. 21-136

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL SERVICES FOR INTERIM PROFESSIONAL MANAGEMENT
SERVICES FOR A CITY MANAGER FOR THE CITY OF WOODBURY**

WHEREAS, there exists a need to retain Interim Professional Management Services for a City Manager for the City of Woodbury under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and verified that the value of the professional services contract will exceed \$17,500.00; and

WHEREAS, Municipal Solutions, LLC has submitted a proposal indicating they will provide the Interim Professional Management Services for City Manager; and

WHEREAS, Municipal Solutions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Municipal Solutions, LLC has not made any reportable contributions to a political or candidate committee in the City of Woodbury in the previous one year and that the contract will prohibit Municipal Solutions, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available for this purpose; and

WHEREAS, funding for this contract shall be encumbered by the City of Woodbury Chief Financial Officer in accordance with N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Woodbury, County of Gloucester, and State of New Jersey as follows:

1. That Municipal Solutions, LLC be and is hereby appointed as the Interim Professional Management Services for the City Manager for the City of Woodbury.

2. The amount of this Contract Not to Exceed - \$50,000.00.
3. That the Mayor and/or Acting Co-Administrator be and is hereby authorized to execute a Contract for said services on behalf of the City of Woodbury.

ADOPTED at a meeting of the Mayor and City Council of the City of Woodbury held September 22, 2021.

PHILIP D. HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
Acting City Clerk

RESOLUTION NO. 21-137

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL SERVICES FOR EXECUTIVE SEARCH SERVICES FOR A
CITY ADMINISTRATOR FOR THE CITY OF WOODBURY**

WHEREAS, there exists a need to retain an Executive Search Service Provider for a City Administrator for the City of Woodbury under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and verified that the value of the professional services contract will exceed \$17,500.00; and

WHEREAS, Municipal Solutions, LLC has submitted a proposal indicating they will provide the Executive Search Services for a City Administrator; and

WHEREAS, Municipal Solutions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Municipal Solutions, LLC has not made any reportable contributions to a political or candidate committee in the City of Woodbury in the previous one year and that the contract will prohibit Municipal Solutions, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available for this purpose; and

WHEREAS, funding for this contract shall be encumbered by the City of Woodbury Chief Financial Officer in accordance with N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Woodbury, County of Gloucester, and State of New Jersey as follows:

1. That Municipal Solutions, LLC be and is hereby appointed as the Executive Search Service Provider for a City Administrator for the City of Woodbury.
2. That the cost for the Administrator search(s) is as follows:

- a. INITIAL SEARCH - \$22,500.00 plus costs per engagement letter.
3. That the Mayor and/or Acting Co-Administrator be and is hereby authorized to execute a Contract for said services on behalf of the City of Woodbury.

ADOPTED at a meeting of the Mayor and City Council of the City of Woodbury held September 22, 2021.

PHILIP D. HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilwoman Harwell				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman O' Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **September 22, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
Acting City Clerk