

RESOLUTION: 36-21

**RESOLUTION AUTHORIZING AGREEMENT FOR CERTAIN
PROFESSIONAL SERVICES ADOPTED BY THE BOROUGH OF
CLAYTON**

WHEREAS, there exists a need for specialized services on behalf of the Borough of Clayton; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

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

1. That Federici & Akin, PA, of Sewell, New Jersey is hereby hired to provide the necessary engineering services in connection with the Ordinance Amendments for Stormwater Rules, for a total amount not to exceed \$6,750.00.
2. The term of this contract shall be from January 14, 2021 to January 13, 2022.
3. Donna Nestore, CFO, for the Borough of Clayton certifies that \$6,750.00 is available through the 2021 Municipal Budget – Engineering O&E.
4. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-11-5(1)(a), and the Fair and Open Process because it is for services performed by persons authorized by law to practice a recognized profession.
5. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough of Clayton.
6. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in The Sentinel or South Jersey Times.
7. The Mayor and Clerk of the Borough of Clayton are hereby authorized to execute a Contract outlining the above on behalf of the Borough of Clayton.

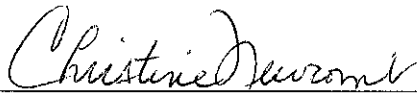
ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey on January 14, 2021.

BOROUGH OF CLAYTON

A handwritten signature in black ink, appearing to read 'Thomas Bianco', written over a horizontal line.

THOMAS BIANCO, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Christine Newcomb', written over a horizontal line.

CHRISTINE NEWCOMB, Municipal Clerk



FEDERICI & AKIN, P.A.
CONSULTING ENGINEERS

Joseph P. Federici, Jr., P.E., P.P.
President
Douglas E. Akin, P.L.S., P.P.
Vice President

Bret T. Yates
Associate
Jonathan A. Bryson, P.E., C.M.E.
Associate

307 Greentree Road
Sewell, New Jersey 08080
856-589-1400
Fax 856-582-7976

January 4, 2021
File No. 20246

Borough of Clayton
125 North Delsea Drive
Clayton, New Jersey 08312

Re: Ordinance Amendments for Stormwater Rules
Task Order Proposal for Professional Engineering Services

Dear Mayor Bianco & Council:

As you know the New Jersey Department of Environmental Protection (NJDEP) has adopted amendments to the New Jersey Administrative Code (NJAC) Stormwater Management chapter 7:8, as of March 2nd, 2020. Thus, Chapter 88 of the Borough of Clayton Code must be amended to reflect new rules set forth by the NJDEP. The Department's new rules were significantly re-arranged and include new definitions, provisions, and requirements as well as clarifications and minor changes. As the Planning Board Engineer, we are proposing to develop the new ordinance into one that is directly usable by the Borough, Planning Board, Developers, and the Stormwater Coordinator in our efforts to comply with rules. We are letting the Borough Engineer handle updating all other stormwater ordinances that are not subject to Planning Board review. The new ordinances will be organized to facilitate development of major stormwater application review and maintenance checklists and to reduce confusion.

NJDEP's adopted rule amendments and the adopted new rules, were published in a 319 page Rule Adoption text with proposed rules, comments, and summaries of agency-initiated changes. The Adoption text was not a complete new rule publication but rather included additions, deletions, and changes, and omitted portions that were to remain unchanged. The Department subsequently published the new rules and a model ordinance. However, the model ordinance is confusing, uses terms not defined in NJAC 7:8, provides a checklist that includes perhaps 1/4 of the items that are actually required, and mixes plan requirements with maintenance requirements. Furthermore, it lacks reference citations to NJAC 7:8 sections that it is intended to implement. It is loose and organized in a way that is only understood by multiple readings from top to bottom.

A comprehensive reading and cross referencing is needed in order to identify all of the new and changed requirements, and to determine how to best include them into the Borough's Code. I have attached a



few pages of the model ordinance with marked comments so you can see some of the issues and problems that we will have if the model ordinance is blindly adopted.

We propose to edit the model ordinance to form a clear and concise set of rules that will be directly usable by the Planning Board for developers and reviewers. Items from the model ordinance will be made into two separate and complete bullet-type keyword lists with ordinance citations, so they will be useable as checklists. One will be for major stormwater applications and one for stormwater maintenance and operation plans.

This will allow for thorough and straight forward reviews of all proposed stormwater developments moving forward.

The tasks of amending and adopting the proposed stormwater ordinances will include:

- Review of the existing Borough Code.
- Review and comparison of the new NJDEP stormwater rules.
- Review and editing the model ordinance into proposed Borough Ordinance provisions.
- Submission of the draft ordinance to Committee, Stormwater Coordinator, and Solicitor.
- At least two meetings with Committee and the Stormwater Coordinator.
- Edits to implement Committee preferences and comments.
- Presentation at two Public Hearings.

We propose to perform the above services in an amount not to exceed **\$6,750.00**.

Actual publication expenses are not included as we expect that the Borough will use E-360 for public access to the adopted ordinances.

If you find this proposal to be satisfactory, please indicate your acceptance and authorization to proceed by returning a signed copy, or a resolution, and/or a purchase order. We will begin work immediately so that your new ordinance can be adopted and effective on or before the state deadline of March 2, 2021.

Should you have any questions or comments, please contact me at your convenience.

Very truly yours,
FEDERICI & AKIN, P.A.

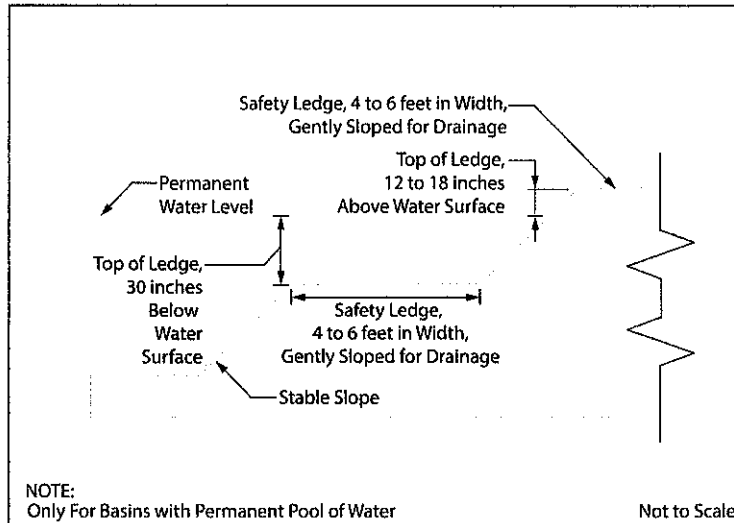
Stan M. Bitgood, P.E.
Stan M. Bitgood, P.E., C.M.E.

enc: Model Ordinance pgs 30-32 marked.
ccwe: Christine Newcomb, Municipal Clerk
Donna Nestore, Chief Financial Officer
Alexander Chalef, EIT, Federici & Akin P.A.
Thomas Kuhn, EIT, Federici & Akin P.A.

Ordinance #[insert number] – Stormwater Control (continued)

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

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



Section IX C isn't titled "Checklist for ..."

B. Site Development Stormwater Plan Approval

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

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Ordinance #[insert number] – Stormwater Control (continued)

C. Submission of Site Development Stormwater Plan

Checklist. That is what this sub section is.

The following information shall be required:

1. Topographic Base Map

smaller

2 ft contours are useless for grading.

shall or it's not enforceable.

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

red herring. delete this.

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

often this isn't better or adequate.

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

Changes in the SHGWE are not permitted.

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

Sections 3, 4 & 5 should be turned into checklist items. Just mentioning them in this checklist is not helpful nor indicative of what it required.

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Ordinance #[insert number] – Stormwater Control *(continued)*

5. Stormwater Management Facilities Map

same scale is often not suitable.

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

details during are not needed, not in 7:8 et sec, and would be confusing.

- i. Comprehensive hydrologic and hydrologic pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.

term is not defined.

- 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.

A soil report is not "calculations". Should be separate item.

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

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