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ORDINANCE 2016-3

## **Amending and Supplementing South Brunswick Code Section 62-2581 to Authorize the Township Manager to Execute Stormwater Management Agreements**

WHEREAS, the Township has required a Tri-party Detention Basin Maintenance agreement, to be signed by the County of Middlesex, the Township and the developer/land use applicant, to ensure the perpetual maintenance of detention basins; and

WHEREAS, recently the County has requested that the Township revise this procedure and require a simple two-party agreement between the Township and the developer since the County uses its own agreement; and

WHEREAS, South Brunswick Code Section 62-2581 governs the need for this type of agreement; and

WHEREAS, Township staff has recommended that the Code be revised to indicate that the Township Manager is authorized to execute these agreements; and

WHEREAS, the Township Council agrees with this recommendation;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. South Brunswick Code Section 62-2581(b), Maintenance Requirements, shall be and is hereby amended and supplemented as follows, with deletions in strikethrough and additions in underline:
  - (4) Where continued maintenance is to be the responsibility of the applicant, a proposed maintenance agreement, in a form to be provided by the Township of South Brunswick, shall be submitted. The agreement shall specify maintenance responsibility and standards during and after completion of the proposed activity and, upon approval and execution by the Township Manager, both the maintenance plan and maintenance agreement shall be recorded by the applicant in Middlesex County Clerk's office. The applicant shall thereafter file copies of the recorded maintenance plan and maintenance agreement with the township planning department. The township shall retain the right to enter and make repairs and improvements where necessary to ensure that all stormwater control measures as well as areas dedicated to stormwater retention or groundwater recharge are adequately maintained and preserved. The township may charge the owner for the costs of these services if such maintenance is his responsibility.
  - (5) Where continued maintenance is to be the responsibility of the Township of South Brunswick, the following shall apply:
    - a. The applicant shall maintain the stormwater management facilities during the construction phase of the project.
    - b. As a condition of final approval and prior to acceptance of the stormwater management facilities by the Township of South Brunswick, the applicant shall enter into an escrow agreement with the township, which agreement shall include a statement that the escrow contribution is made in consideration of the Township assuming all future maintenance of the stormwater management facilities. The form of the agreement shall be provided by the township. The agreement, upon approval and execution by the Township Manager, shall be recorded by the applicant in the Middlesex County Clerk's office. The applicant shall thereafter file a copy of the recorded agreement with the township planning

department.

- II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.
- III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on January 26, 2016, and will be considered on second reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on February 23, 2016, at which time and place any person having an interest therein will be given an opportunity to be heard.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chris Killmurray, Deputy Mayor
<b>SECONDER:</b>	Joseph Camarota, Councilman
<b>AYES:</b>	Joseph Camarota, Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
<b>ABSENT:</b>	Charlie Carley

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on February 23, 2016.

  
Barbara Nyitrai, Township Clerk