

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION – MARGATE CITY**

**JUNE 7, 2018**

**MARGATE CITY, NEW JERSEY**

THE PRESS AND THE DOWNBEACH CURRENT WERE NOTIFIED OF THIS MEETING AND A COPY OF THE SAME WAS POSTED ON THE BULLETIN BOARD AND THE MUNICIPAL WEBSITE.

The Regular Meeting of the Board of Commissioners was held on the above date at 5:15 p.m. at the Margate City Hall, 1 South Washington Avenue, Margate, NJ 08402. The meeting began with a flag salute and roll call: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Rich Deaney, Chief David Wolfson, Chief Dan Adams, Lisa McLaughlin, Roger McLarnon, Jim Galantino, Frank Ricciotti, and Johanna Casey. Scott Abbott was also present. The minutes from the May 17, 2018 Capital, Workshop and Regular Meetings were approved as read on motion by Commissioner Blumberg, seconded by Mayor Becker with a vote two ayes. Commissioner Amodeo abstained.

#### **Public Comment:**

**Ben Zeltner, Esq.:** Representing Harbor Bay LLC: Mr. Zeltner expressed his support of Ordinance #12-2018 which authorizes the vacation of right-of way along Amherst Avenue, reminded The Board that the Planning Board granted the approval for this project which included the recommendation to grant a 3 x 100 foot parcel of land due to the design of the project causing the parking spaces to protrude 3 feet.

**John Sewell:** 22 West Drive: Mr. Sewell expressed his wishes for the City to consider school consolidation and convert the third floor of Ross School at a low or no cost to make that happen.

**Arthur Cautilli:** 114 N. Lancaster Avenue: Mr. Cautilli shared his support of school consolidation and as a follow-up to Mr. Sewell's comments, Mr. Cautilli spoke about the seven items that are used to look at a school district and feels that the city failed all of them, the first two being building maintenance, that is 100 percent above the state median, and the cost per pupil, that is 60 percent above the state median cost.

**Joy Kanter:** Margate Recreation: Ms. Kanter invited The Board of Commissioners to attend a charity event scheduled for Saturday June 30<sup>th</sup> to support Team Will; a community of cyclists of all skill levels and ages committed to raising public awareness and funds for childhood cancer research and family resources through a mixture of cycling activities and events. This will be Team Will's third visit to Margate.

**Ed Burger:** 9402 Amherst Avenue: Mr. Burger expressed his opposition to Ordinance #12-2018 and shared his concern about the lack of technical safety, traffic study, and actual technical information reviewed by experts on behalf of any governing body. Mr. Burger lives on Amherst Avenue, which is a restaurant district, and is very familiar with the traffic pattern and congestion at the corner of Amherst and Adam Avenues and requests for The Board to consider a traffic study.

**George Kennedy:** 9414 Amherst Avenue: Mr. Kennedy echoed Mr. Berger's concerns and opposition to Ordinance #12-2018, and brought a picture to show and explain to The Board how tight of a squeeze it would be with two cars dropping people off and at the same time two cars driving on both directions of Amherst Avenue and reiterated the need of a traffic study to be done. Commissioner Blumberg does not think in his opinion, that the picture and explanation of Mr. Kennedy is a fair representation of the traffic pattern as it exists every day on Amherst Ave.

**Ray Romito:** 9408 Amherst Avenue: Mr. Romito followed up on Mr. Burger and Mr. Kennedy's concerns and echoed his opposition to Ordinance #12-2018. Mr. Romito asked The Board to respectfully consider doing a traffic study. In addition, Mr. Romito shared his support of the Margate City schools and teachers. His daughter attended Margate schools and received a wonderful education.

**Fred Tursi:** 9400 Amherst Avenue: Mr. Tursi shared his support of the request for a traffic study to be done before The Board approves Ordinance #12-2018, scheduled for adoption today.

**Ben Zeltner, Esq.:** In response to Mr. Tursi's comments, Ben Zeltner informed Mr. Tursi that the Planning Board specifically waived right to require a traffic study and had the information to consider all traffic aspects of the plan and did not require it.

**MaryAnn Socio:** 9414 Amherst Avenue: Ms. Socio stated that the reason why the proposed restaurant was not required to have a parking lot was because Ubers would be used for customer pick-up and drop-off to avoid drinking and driving. In her opinion, Uber Drivers drop-off in the middle of the road and would like The Board to take that into consideration before making a decision on Ordinance #12-2018.

**Barbara Beck:** 9408 Amherst Avenue: Ms. Beck shared her concerns about the Planning Board waiving their right to a traffic study and feels that a traffic study should be done before The Board makes the wrong decision and adopts an Ordinance that could affect the people of Margate.

**Steve Lieberman:** 59 Seaside Court: Mr. Lieberman asked The Board to go on Amherst Avenue on a Wednesday, Friday and Saturday night for them to see the traffic congestion in hope that seeing the congestion opens their eyes and agree to take a step back and reconsider Ordinance #12-2018.

Seeing that there were no additional comments, a motion to close the Public Comments was put forth by Mayor Becker, seconded by Commissioner Blumberg with a vote of three ayes

**Public Comment on Second Reading of Ordinances and Resolutions:**

**Ed Burger:** 9402 Amherst Avenue: As a follow-up to all of his neighbors' comments and concerns today, Mr. Burger reiterated that when they were presented the original project, they were all in favor of the development across the street, and that the issue that is being discussed today has nothing to do with the building, it has to do with their safety, which to his knowledge, included in the City's Master Plan, there are 15 comments about how critical parking is and the importance of safety of the people in Margate, and requested that The Board does not vacate 300 feet of land from a safety standpoint and votes against Ordinance #12-2018.

Seeing that there were no additional comments, a motion to close Public Comments on Second Reading of Ordinances and Resolutions was put forth by Mayor Becker, seconded by Commissioner Amodeo with a vote of three ayes.

**ORDINANCES: Introduction:**

A motion to introduce Ordinance #13-2018 was put forth by Commissioner Blumberg, seconded by Commissioner Blumberg, with a vote of three ayes.

**CITY OF MARGATE CITY  
NEW JERSEY****ORDINANCE #13 -2018****AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AMENDING CHAPTER 242 ENTITLED "STREETS AND SIDEWALKS", TO PERMIT WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY AND WHERE PERMITTED BY EASEMENT**

**WHEREAS**, the Governing Body of the City of Margate City (hereinafter "City") deems it necessary and appropriate to supplement and/or amend the City Code to address issues associated with the deployment of wireless communications facilities in the public rights-of-way; and

**WHEREAS**, the City acknowledges that wireless communications carriers may enter into written agreements with parties that have the lawful right to erect poles in the public rights-of-way pursuant to N.J.S.A. 48:3-18, and that the consent of the municipality is required pursuant to N.J.S.A. 48:3-19, if the party seeking to install such facilities does not have an independent lawful right to construct such facilities; and

**WHEREAS**, the consent by the City for the Facilities to be installed shall be limited to structure poles, commonly known as utility poles, for which no new poles of any material shall be erected within the City by a Wireless Company or other entity. It being understood that the setting of poles is regulated by the New Jersey Board of Public Utilities ("BPU") the City authorizes only those that have an independent lawful right to construct utility poles to set poles in the City's public rights-of-way; and

**WHEREAS**, the City acknowledges that wireless communications carriers may seek to install facilities on private property pursuant to easement agreements which installation shall require authorization by the City which authorization is intended by the adoption of this Ordinance; and

**WHEREAS**, the City acknowledges that in connection with the use of those public rights-of-way under the jurisdiction of the County of Atlantic, municipal consent is required in addition to the consent of the County pursuant to N.J.S.A. 27:16-6; and

**WHEREAS**, the City acknowledges that notwithstanding the proscriptions of 47 U.S.C. §253(a), it has the authority to manage the public rights-of-way as provided in 47 U.S.C. §253(c); and

**WHEREAS**, this Ordinance only effects the limited installation of Facilities in the public rights-of-way and where authorized by easement on poles or towers and shall have no effect on the application of wireless telecommunication equipment and facilities regulated by the Land Use Ordinance Chapter 175 of the City; and

**WHEREAS**, the purpose of this Ordinance is to allow the prompt deployment of wireless communications facilities in the public rights-of-way and where allowed by easement while also effectively managing the rights-of-way in the interests of the public health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Margate City, County of Atlantic and State of New Jersey as follows:

**SECTION I.** Chapter 242 ” is hereby amended by the addition of Article 6 captioned “Wireless Communication Facilities in the Public Rights-of-Way and in Easement Areas in Existence as of the Adoption of this Ordinance”, to add the following Section in its entirety as follows:

**ADDED SECTION:**

**Article VI. Wireless Communications Facilities in the Public Rights-of-Way and Easements in Existence at the Time of this Ordinance.**

**SECTION II.** Chapter 242-30 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-29 Definitions.**

(a) For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Any term not defined in this section shall have the meaning ascribed to it in the New Jersey Municipal Land Use Law, 40:55D-1, et seq., unless the context clearly requires otherwise. In the event that a term is not defined by this Ordinance, said term shall have its common and/ordinary meaning.

(b) Definitions:

Carrier means any firm, partnership, association, corporation, limited liability company, or any other legally recognized organization, licensed by the Federal Communications Commission to provide Personal Wireless Services or authorized by the New Jersey Board of Public utilities to provide telecommunications services in the State of New Jersey.

City of Margate City means the City of Margate City, County of Atlantic, State of New Jersey.

Conduit means a casing or encasement for wires or cables.

County means the County of Atlantic, State of New Jersey.

Easement means all those areas within the City of Margate City which have an existing right granted to utility companies such as, but not limited to, the electric company, telephone company, cable company, allowing the erection and maintenance of utility facilities.

Facility or Facilities means all structures, devices, and materials, including but not limited to: antennas, radios and radio cabinets, electrical wires and cables, fiber optic cables, communications and video cables and wires, poles, conduits, pads, backup power supply and other components of Personal Wireless Service Facilities, and appurtenances thereto, located in the public rights-of-way. Each pole mounting set up shall be a separate Facility for regulatory purposes, applications, and fees.

Governing Body means the Mayor and Council of the City of Margate City, County of Atlantic, State of New Jersey.

Municipality means the City of Margate City, County of Atlantic, State of New Jersey.

Permittee means the Carrier to which a permit has been issued pursuant this Ordinance and Master License Agreement for Use of Public Rights-of-Way.

Personal Wireless Services means any technologies defined in 47 U.S.C. 332(c)(7) including commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, provided to personal mobile communication devices through wireless Facilities or any fixed mobile wireless services provided using personal wireless Facilities.

Personal Wireless Service Facilities means equipment at a fixed location that enables Personal Wireless Service between user equipment and a communications network, including but not limited to: (a) equipment associated with Personal Wireless Services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services ; and (b) Tower, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

Public Right-of-Way means the surface, the air space above the surface, and the area below the surface of any Street, road, highway, lane, alley, boulevard, or drive, including the sidewalk, shoulder and area for utilities owned by the City of Margate City or within an easement to the public or other easement owned by the City of Margate City.

Street means any street, avenue, boulevard, road, parkway, viaduct, drive or other way as defined in the Municipal Land Use Law, 40: 55D-7.

Stealth Structure means a new structure for the mounting of Facilities, such as a light pole with integrated antenna, with aesthetics found to be reasonably acceptable to the Zoning Officer, with input from the Governing Body, if deemed necessary.

Utility pole a tall wooden pole that is used to support telephone wires, electrical wires, etc.

Zoning Officer means the Administrative Officer as defined in N.J.S.A. 40:55D-3 and the Zoning Officer of the City of Margate City or his/her authorized designee.

Zoning Permit means the document signed by the Zoning Officer pursuant to N.J.S.A. 40:55D- 18 that is required as a condition precedent to the installation of an individual Facility and which acknowledges that the Facility complies with the provisions of this Ordinance, or approved deviation therefrom.

**SECTION III.** Section 242-31 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-30 Facilities in the Public Rights-of-Way.**

(a) Purpose. The purpose and intent of this Ordinance is for the City to exercise, and where authorized by easement, its lawful authority to grant consent to the limited use of the public rights-of-way and to allow the attachment of Facilities only to existing utility poles located therein pursuant to N.J.S.A. 48-19, subject to certain conditions as stated herein, in order to allow the prompt deployment of Facilities while also effectively managing the public rights-of-way and protecting the aesthetic and safety interests of the public.

(b) Facilities subject to this Ordinance. This Ordinance applies to all Facilities, as herein defined, within the public rights-of-way, except as otherwise provided in any existing franchise, license or similar agreement. The deployment of Facilities on private property and public property outside of the public

rights-of-way shall not be controlled by this Ordinance or the Master License Agreement, but by the City Zoning Ordinance and the New Jersey Municipal Land Use Law. In no event shall this Ordinance apply to the City or facilities owned or operated by the City.

(c) **Master License Agreement Required.** Every Carrier seeking to install Facilities in the public rights-of-way, excluding those holding a franchise, license or similar agreement with the City, shall first enter into the Master License Agreement substantially complying with the requirements of this Chapter and apply for and obtain a Zoning Permit as provided herein. The execution of the Master License Agreement by the Carrier and the City shall grant the City's consent to the Carrier to utilize the public rights-of-way pursuant to N.J.S.A. 48-19 and N.J.S.A. 27:16-6 and shall control the installation, maintenance, and removal of the Facilities.

(d) **Duration of Consent and Removal.** The non-exclusive consent granted to the Carrier shall expire in twenty five (25) years unless earlier terminated. Carrier may cancel this Agreement upon sixty (60) days prior written notice to the City of Margate City. Upon expiration of such consent, or at such earlier date that the Carrier ceases to operate its facilities for a period of ninety (90) consecutive days, the Carrier shall remove its facilities and restore the right-of-way at its sole cost and expense.

**SECTION IV.** Section 242-32 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-31 Permit Required; Application and Fees.**

(a) **Permit required.** No Carrier, without first filing an application and obtaining a Zoning Permit from the City Zoning Officer pursuant to N.J.S.A. 40:55D-18, shall construct any Facility within any public right-of-way.

(b) **Application requirements.** The application shall contain, at a minimum, the following:

- (1) The Carrier's name and address and telephone number of the contact person for such Carrier;
- (2) The applicant's name and address, if different than the Carrier, and telephone number of the contact person for such applicant;
- (3) The names, addresses, telephone number of the professional consultants, if any, advising the applicant with respect to the application;
- (4) A brief description of the proposed work;
- (5) A plan with specifications of the Facility showing the work proposed, including sufficient information regarding the components of the Facility, including their types and quantities;
- (6) Any request for a deviation from one or more provisions of this Ordinance, and
- (7) Such additional information as may be reasonably required by the City Zoning Officer.

(c) **Application fees.** All applications for Zoning Permits pursuant to this Ordinance shall be accompanied by a fee of \$500.00 for each independent Facility as compensation to the City for expenses incurred in processing the application as permitted by N.J.S.A. 54:30A-124.

**SECTION V.** Section 242-33 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-32 Conditions and Requirements.**

(a) **Installation of Facilities.** It shall be lawful for wireless communication carriers to install facilities in the public rights-of-way on existing poles only, shall comply with all requirements of this Ordinance and the terms and condition of the Master License Agreement. All applicants shall obtain any and all approvals necessary from the owner and/or operator of the utility poles to be used;

- (b) Other approvals. All applicants shall obtain any and all approvals necessary from any other governmental agency in addition to the owner and/or operator of the wooden utility poles to be used;
- (c) Height. No antenna or attachment to an existing utility pole shall exceed the height of that pole by more than six feet (6');;
- (d) New poles. No new poles shall be erected for the purpose of placing Facilities regulated herein. The setting of utility poles is regulated by the New Jersey Board of Public Utilities ("BPU"), the City authorizes only the utility company to set utility poles in the public rights-of-way in their normal course as they deem appropriate and/or necessary subject to BPU regulation.
- (e) Pole-Mounted equipment. equipment shall be pole mounted at a minimum of 8' feet from the ground and/or shall conform to all Flood Prevention Ordinance requirements of the City including but not limited to base flood plus elevations required, whichever is higher in height and shall be limited to one (1) antenna and one (1) cabinet or other mounted device at each site per carrier. A single antenna shall not exceed a height of four (4) feet and two (2) feet in width or two (2) antennas each of a maximum dimension of a height of two (2) feet and width of one (1) foot. The cabinet or other mounted device may project beyond the side of the pole no more than thirty (30) inches.
- (f) Ground-mounted equipment. No ground-mounted equipment is permitted on or around any pole;
- (g) Color & Conduit. All antennas, Conduit and equipment shall be a color that blends with the wooden utility pole on which it is mounted. Any cables or wiring attached to the utility pole shall be covered with an appropriate Conduit;
- (h) Construction Permits. Subsequent to the issuance of the Zoning Permit, the Permittee shall obtain any necessary permits required pursuant to the current Uniform Construction Code adopted in New Jersey prior to installation;
- (i) Underground work. All underground work shall follow standard road opening permit requirements; and
- (j) Co-locate. All carriers shall co-locate and cooperate with each other to minimize the impact and number of Facilities on and in the public rights-of-way.
- (k) No permit shall be issued which would permit the construction or installation of any facilities east of Atlantic Avenue between Atlantic and the Beach, along Ventnor Avenue between Wilson Avenue and Lancaster Avenue, inclusive (Parkway area), or in the Marvin Gardens area which area is situate between Ventnor Avenue, Winchester Avenue, Fredericksburg Avenue and Brunswick Avenue unless a deviation is granted by the Governing Body.

**SECTION VI.** Section 242-34 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-33 Action on Zoning Permit Applications.**

The Zoning Officer shall approve or reject the permit application within thirty (30) days, unless the Zoning Officer determines that the permit application is incomplete and insufficient for him to either approve or reject, in which case the Zoning Officer shall inform the applicant in writing what information is missing. If the application does not conform to the requirements of this Ordinance and no request for a deviation is made with the application, the Zoning Officer shall reject such application in writing, stating the reasons therein. If the Zoning Officer is satisfied that the application conforms to the requirements of this Ordinance, the Zoning Officer shall issue a permit therefor within 30 days.

**SECTION VII.** Section 242-35 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-34 Effect of Permit.**

A Zoning Permit from the Zoning Officer shall confirm compliance with this Ordinance and shall authorize the Permittee to apply for construction permits to undertake the work set forth in the plans filed with the permit application. The permit shall not grant authority to the Permittee to impinge upon the rights of others who may also have an interest in the public rights-of-way.

**SECTION VIII.** Section 242-36 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-35 Deviations.**

- (a) Request for deviations. A Carrier proposing to deviate from one or more of the provisions of this Ordinance shall do so in writing to the Zoning Officer as part of the permit application. The request shall identify each provision of this Ordinance from which a deviation is requested and the reasons why a deviation should be granted.
- (b) Authority to grant deviations. The Zoning Officer shall have no authority to grant a deviation from any conditions of Section 15-8.4 "Conditions and Requirements". The Zoning Officer shall decide for all other requests whether a deviation is authorized by this Ordinance and the Carrier requesting the deviation has demonstrated that:
- (1) One or more conditions not under the control of the Carrier (such as terrain features or an irregular public rights-of-way line or condition) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or Facilities that would conform to the provision from which a deviation is requested are impracticable in relation to the requested approach.
- (c) Additional conditions for granting of a deviation. As a condition for authorizing a deviation, the Zoning Officer may require the Carrier requesting the deviation to meet reasonable standards and conditions that may or may not be expressly contained within this Ordinance but which carry out its purposes.
- (d) Material deviations. In the event the actual size, type, material, or location of any Facilities installed in the public rights-of-way deviate in a materially significant way from that which was shown on the plans submitted with the Zoning Permit application, the Permittee shall file new plans with the Zoning Officer within 30 days of request or be subject to a stop work order, an order of removal, or a requirement to apply to the Governing Body for relief.
- (e) Referral to Governing Body. If the Zoning Officer determines that that the deviation requested (or existing) is a major deviation and/or that practical hardship has not been properly demonstrated, , the request shall be referred to the Governing Body for review. If the Governing Body denies the request for a deviation, then the Permittee shall, within thirty (30) days of said denial, either remove the Facility from the public rights-of-way (if installed) or modify the Facility so that it conforms to this Ordinance and submit revised plans to the Zoning Officer therefore for approval.
- (f) Review fees. Any reasonable professional fees incurred by the City in its review of a request for a deviation or as a result of the installation of a Facility in violation of this Ordinance, and for which no approval is granted, shall be paid to the City within thirty (30) and prior to the issuance of the Zoning Permit as permitted by N.J.S.A. 54:30A-124. An escrow of twenty-five



hundred dollars (\$2,500.00) shall be submitted with the request for deviation to the construction office to cover such fees and be replenished as deemed appropriate by the Zoning Officer.

**SECTION IX.** Section 242-37 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-36 Insurance.**

(a) Required coverage and limits. Each Carrier constructing a Facility in the public rights-of-way shall secure and maintain commercial general liability insurance with limits of \$5,000,000 per occurrence for bodily injury (including death) and for damage or destruction to property and \$5,000,000 general aggregate insuring the Carrier as named insured and including the City as an additional insured as their interest may appear under this Agreement on the policies.

(a) Copies required. The Carrier shall provide copy of certificates of insurance reflecting the requirements of this section to the City within ten (10) days following zoning approval and prior to obtaining a construction permit pursuant to this Ordinance.

(b) Self-insurance. A Carrier may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (a) of this section. A Carrier that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insured under subsection (a) or the requirements of subsections (b) of this section. A Carrier that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit required under subsection (a) of this section. Proof of such financial ability to self-insure shall be provided to the City within (10) days following the effective date of the Master License Agreement and prior to obtaining a permit pursuant to this Ordinance.

(c) Effect of insurance and self-insurance on Carrier's liability. The legal liability of the Carrier to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder, however neither the City nor the carrier shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this Ordinance.

**SECTION X.** Section 242-38 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-37 Indemnification.**

Prior to constructing a Facility in the public rights-of-way or where authorized by easement, and as a precondition to the issuance of a permit pursuant to this Ordinance, the Carrier shall execute the Master License Agreement, agreeing, among other things, to indemnify and hold harmless the City against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the Carrier, its employees, contractors or agents, except to the extent such claims or damage may be due to or caused by the negligence or willful misconduct of the City, or its employees, contractors or agents. The City will provide the Carrier with prompt, written notice of any claim covered by this indemnification; provided that any failure of the City to provide any such notice, or to provide it promptly, shall not relieve the Carrier from its indemnification obligation in respect of such claim, except to the extent the Carrier can establish actual prejudice and direct damages as a result thereof. The City shall cooperate with the Carrier in connection with the Carrier's defense of such claim. The Carrier shall defend the City, at the City's request, against any claim with counsel of the City's choosing that is reasonably satisfactory to the Carrier.

**SECTION XI.** Section 242-39 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:****242-38 Permit Suspension and Revocation.**

(a) Right to revoke permit. The City Zoning Officer may revoke or suspend a permit issued pursuant to this Ordinance for one or more of the following reasons:

- (1) Materially false or incomplete statements in the permit application,
- (2) Non-compliance with one or more provisions this Ordinance for which a deviation has not been allowed,
- (3) The Permittee's Facilities within the public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare,
- (4) Permittee's failure to construct the Facilities substantially in accordance with the permit and approved plans, or such additional time as reasonably necessary provided that send care is being pursued diligently and in good faith.
- (5) Violation of the terms and conditions of the Master License Agreement.

(b) Notice of revocation or suspension. The City Zoning Officer shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Ordinance stating the reason or reasons for the revocation or suspension and the alternatives available to Permittee under this section.

(c) Permittee alternatives upon receipt of notice of revocation or suspension. Upon receipt of a written notice of revocation or suspension from the City Zoning Officer, the permittee shall have the following options:

- (1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the City Zoning Officer, the deficiencies stated in the written notice, providing written proof of such correction to the City Zoning Officer within ten (10) business days after the receipt of the written notice of revocation, or
- (3) Within 10 days remove the Facilities located within the public rights-of-way and restore the public rights-of-way to the satisfaction of the City Zoning Officer providing written proof of such removal to the City Zoning Officer within ten business days after receipt of the written notice of revocation. The City Zoning Officer may, in his discretion, extend the time periods provided in this subsection. To be effective extensions must be in writing.

**SECTION XII.** Section 242-40 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:****242-39 Change of Ownership, Owner's Identity, or Legal Status**

Notification of change. A Carrier shall notify the City no less than thirty (30) days following the transfer of ownership of any Facility in the public rights-of-way or change in identity of the Carrier. The rights and obligations given to the Carrier pursuant to the Master License and Zoning Permit shall be binding on and benefit the new owner of the Carrier or the Facility, its successors and assigns, who shall have all the obligations and privileges enjoyed by the former owner under the Master License Agreement, Zoning Permit, and all applicable laws, ordinances, rules and regulations, including this Ordinance, with respect to the work and Facilities in the public rights-of-way.

**SECTION XIII.** Section 242-41 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:****242-40 Traffic Control.**

(a) Warning signs, protective devices, and flaggers. The Carrier is responsible for providing and installing warning signs, protective devices and flaggers, when necessary for protection of the public and the Carrier's workers when performing work on the public rights-of-way.

(b) Interference with traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(c) Compliance. The Carrier shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the Carrier's attention by the City Zoning Officer, City Engineer, Fire Department, or Police Department.

**SECTION XIV.** Section 242-42 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-41 Removal, Relocation, or Modification of Facilities.**

(a) Notice. Within 30 days following written notice from the City, any Carrier with Facilities in the public rights-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Facilities whenever the City determines that (a) such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon the public rights-of-way; or (b) because the equipment is interfering with or adversely affecting proper operation of the light or other poles; or (c) the widening of the public rights-of-way. In such instance, the City of Margate City shall cooperate with Carrier to find a replacement location for the Facility that will provide similar radio frequency coverage to the Facility removed or relocated.

(b) Removal of unauthorized Facilities. Within thirty (30) days following written notice from the City Zoning Officer to any Carrier that owns, controls, or maintains any unauthorized Facility or related appurtenances within any public rights-of-way shall, at its own expense, remove all or any part of such Facilities or appurtenances. A Facility is unauthorized and subject to removal, but not limited to, in the following circumstances:

(1) Upon expiration or termination of the Permittee's license, unless otherwise permitted by applicable law,

(2) If the Facility was constructed without the prior grant of a Zoning Permit,

(3) If the Facility was constructed without prior issuance of a required construction permit,

(4) If the Facility was constructed at a location not permitted by the Permittee's permit, or

(5) Upon abandonment of the Facility. Abandonment will be presumed where a Facility has not been used for the purpose for which it was installed for a period of ninety (90) consecutive days, or more, and where there have been no efforts to repair or renew the use during the ninety (90) day period. The Carrier owning, controlling or maintaining the Facility shall have the burden of establishing to the City Zoning Officer that the Facility is still being used within thirty (30) days of the notice. All notices described herein shall be in writing and sent by recognized national overnight courier (e.g., U.S. Postal, Federal Express or UPS) for which proof of delivery is supplied. Failure to respond to the City Zoning Officer's request for information regarding the abandonment of the Facility shall constitute a presumption of abandonment. Upon the City Zoning Officer's determination and final written notification to the Carrier of such abandonment the Carrier shall have sixty (60) days within which to:

a. Reactivate the use of the Facility or transfer the Facility to another entity which makes actual use of the Facility promptly, or

b. Dismantle and remove the Facility and notify the City Zoning Officer in writing of the completion of such removal.

If the Entity believes that the determination of abandonment by the City Zoning Officer is incorrect it may file a written appeal with the Governing Body within forty-five (45) days of the City Zoning Officer's determination. If the Entity fails to prevail on appeal, or fails to reactivate, or transfer to another active user or remove the service facility the City shall have the right to have the Facilities removed at the

Carrier's sole expense. The City shall be entitled to reimbursement for all costs and expenses associated with the removal of any Facility thereafter.

**SECTION XV.** Section 242-43 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-42 Cleanup and Restoration.**

Upon completion of all construction or maintenance of Facilities, the Carrier shall remove all debris and restore the right-of-way to a clean and safe condition in a timely manner and to the satisfaction of the City Zoning Officer.

**SECTION XVI.** Section 242-44 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-43 Maintenance and Emergency Maintenance.**

(a) General. Facilities within public rights-of-way shall be maintained by or for the Carrier at the Carrier's sole expense. Carrier shall not damage the Public Right-of-Way and shall keep the Public Right-of-Way free of all debris. If any portion of the Public Right-of-Way suffers damage by reason of access by Carrier, then in that event, Carrier, at its sole cost and expense, shall immediately repair all such damage or replace the damaged portion of the Public Right-of-Way and restore the damaged portion of the property to its condition prior to the occurrence of such damage.

(b) Emergency maintenance procedures. The noncompliance with normal procedures for securing a required permit shall be excused when a Carrier reasonably determines that an emergency exists.

(1) If an emergency creates a hazard on the traveled portion of the public rights-of-way, the Carrier shall take immediate steps to provide all necessary protection for traffic on the roadway including the use of signs, lights, barricades or flaggers.

(2) In an emergency, the Carrier shall, as soon as practical, notify the City Zoning Officer or his or her duly authorized agent and the Margate City Police Department of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. On nights and weekends, the Carrier shall notify the Margate City Police Department of an emergency if the City Zoning Officer is unavailable. If the nature of the emergency is such as to interfere with the free movement of traffic, the Margate City Police Department shall be notified immediately. To the extent that the City of Margate City has actual knowledge of the displacement or damage to any Facility, it shall inform Carrier upon learning of the same.

**SECTION XVII.** Section 242-45 is hereby amended to add the following Section in its entirety as follows:

**ADDED SECTION:**

**242-44 Enforcement.**

Nothing in this Ordinance shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Ordinance or the right of a Carrier to appeal any decision to the state courts of New Jersey or the United States District Court for the District of New Jersey.

**SECTION XIX.** Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

**SECTION XX.** Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION XXI.** Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

**ORDINANCES: Public Adoption:**

A motion to adopt Ordinance #07-2018 was put forth by Mayor Becker, seconded by Commissioner Amodeo, with a vote of three ayes.

**ORDINANCE #07-2018:**

**BOND ORDINANCE APPROPRIATING TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) AND AUTHORIZING THE ISSUANCE OF TWO MILLION FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,042,500) IN BONDS AND NOTES OF THE CITY OF MARGATE CITY FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY**

THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE CITY IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.     Appropriation for Project-Down Payment**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Margate City, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000), including the aggregate sum of ONE HUNDRED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$107,500) which is hereby appropriated from the Capital Improvement Fund of the City as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

**Section 2.     Authorization of Bonds**

For the financing of said improvements or purposes and to meet the TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of TWO MILLION FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,042,500) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of TWO MILLION FORTY-TWO

THOUSAND FIVE HUNDRED DOLLARS (\$2,042,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Projects**

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIATION AND ESTIMATED <u>COST</u>	AMOUNT OF BONDS <u>OR NOTES</u>
(a) Purchase of Various Vehicles, Equipment and Apparatus, including without limitation Sport Utility Vehicles, Sea Doo, Surf Rakes and Tractors, and Fire Equipment and Apparatus for the City's Police, Fire and Public Works Departments and Beach Patrol.	\$660,000	\$627,000
(b) Various Recreation Improvements, including but not limited to resurfacing of tennis courts, pickle ball court improvements, Tighe School Field, and decking for Lucy the Elephant, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$331,000	\$314,450
(c) Various Municipal Roadway Improvements under the 2016/2017/2018 Municipal Road Program and Curb and Gutter Program, including without limitation Winchester Avenue from Granville to Exeter Avenues, Atlantic Avenue from Fredericksburg to Frontenac Avenues, and reconstruction of Burk Avenue, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with Capital Needs Study for assessment of municipal facilities and equipment, GIS Mapping, design costs, the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid		

documents and construction inspection and administration.	\$1,011,000	\$960,450
(d) Improvements to HVAC System at City Hall and Municipal Building, including costs of surveying, construction, planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$67,000	\$63,650
(e) Various Improvements to Municipal Information Technology Systems.	<u>\$81,000</u>	<u>\$76,950</u>
<b>TOTAL</b>	<b><u>\$2,150,000</u></b>	<b><u>\$2,042,500</u></b>

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

#### **Section 4. Authorization of Notes**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding of TWO MILLION FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,042,500) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

#### **Section 5. Capital Budget**

The capital budget of the City of Margate is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

**Section 6.     Additional Matters**

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

(a)     The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b)     The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **11.672 years**.

(c)     The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of TWO MILLION FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,042,500), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d)     Amounts not exceeding FIVE HUNDRED EIGHTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$589,500) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

**Section 7.     Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

**Section 8.     Application of Grants**

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

**Section 9.     Full Faith and Credit**

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



**Section 10. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 11. Effective Date**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

A motion to adopt Ordinance #08-2018 was put forth by Commissioner Blumberg, seconded by Mayor Becker, with a vote of three ayes.

**ORDINANCE #08-2018:**

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF**

THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE CITY IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1. Appropriation for Project-Down Payment**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made to the water and sewer utility systems of the City of Margate City, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000). No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

**Section 2. Authorization of Bonds**

For the financing of said improvements or purposes and to meet the ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Project**

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
(a) Design and Construction of 2016/2017/2018 Road Program, including reconstruction of Atlantic Avenue from Fredericksburg to Frontenac Avenues, Winchester Avenue from Granville to Exeter Avenues, and including all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$251,000	\$251,000
(b) Miscellaneous Water & Sewer System Improvements including GIS Mapping Required by Federal Water Act and Capital Needs Study for assessment of municipal facilities and equipment, including all other necessary or desirable structures, appurtenances and work or materials, costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$175,000	\$175,000
(c) Improvements to Municipal Water System,		

including purchase and installation of water hydrants, redevelopment of Well No. 8 and painting of Benson Avenue Water Tower, including all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$843,000

\$843,000

(d) Replacement of Water Main on Burk Avenue from Barclay to Clermont Avenues, including all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$131,000\$131,000

Total

\$1,400,000\$1,400,000

#### **Section 4. Authorization of Notes**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5.     Capital Budget**

The capital budget of the City of Margate is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

**Section 6.     Additional Matters**

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

(a)     The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b)     The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **34.63 years**.

(c)     The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000), and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d)     Amounts not exceeding THREE HUNDRED THREE THOUSAND DOLLARS (\$303,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

(e)     This bond ordinance authorize obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

**Section 7.     Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

**Section 8.     Application of Grants**

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

**Section 9. Full Faith and Credit**

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

**Section 10. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 11. Effective Date**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

A motion to adopt Ordinance #09-2018 was put forth by Mayor Becker, seconded by Commissioner Amodeo, with a vote of three ayes.

**ORDINANCE #09-2018:**

**AN ORDINANCE AMENDING CHAPTER 257, VEHICLES AND  
TRAFFIC, OF THE CODE OF THE CITY OF MARGATE CITY,  
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

**SECTION 1.** Margate City Code **Chapter 257-15** shall be amended to **add** the following locations for handicapped parking within the City of Margate City:

**257-15 Handicapped Parking on Street**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Location</u></b>
<b>26 North Adams Ave</b>	<b>west</b>	<b>From a point 103 feet south of the southerly curblineline of Winchester Avenue to a point 22 feet south thereof.</b>
<b>8606 Amherst Ave</b>	<b>east</b>	<b>From a point 357 feet north of the northerly curblineline of Monmouth Avenue to a point 22 feet north thereof.</b>
<b>24 North Gladstone Ave</b>	<b>west</b>	<b>From a point 468 feet north of the Northerly curblineline of Ventnor Avenue to a point 22 feet north thereof.</b>

**SECTION 2.** All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 3.** This ordinance shall take effect upon its final passage and publication as required by law.

A motion to adopt Ordinance #10-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

**ORDINANCE #10-2018:**

**AN ORDINANCE GRANTING A UTILITY EASEMENT TO  
ATLANTIC CITY ELECTRIC COMPANY AFFECTING BLOCK 528, LOT 2.03**

**WEREAS**, the City of Margate City is the owner of the real property known as Block 528, Lot 2.03, located on Amherst Avenue (hereinafter “the Property”); and

**WHEREAS**, Atlantic City Electric Company intends to install infrastructure for required electrical service of nearby property which necessitates the installation of a pole at the corner of Block 528, Lot 2.03 as submitted on detailed plans; and

**WHEREAS**, Atlantic City Electric requires an easement in order to install a pole and electrical equipment on City property; and

**WHEREAS**, it is in the best interest of the City of Margate City to provide the required easements.

**NOW THEREFORE BE IT ORDAINED** by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

**SECTION 1.** The recitals set forth above are incorporated herein as if set forth at length.

**SECTION 2.** The Mayor, or his designee, is hereby authorized to execute and record such utility easement agreement and associated documents as may be necessary to provide the easement described above.

**SECTION 3. If any portion of this Ordinance is declared invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.**

**SECTION 4. All Ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent such inconsistency.**

**SECTION 3:** This ordinance shall take effect upon its final passage and publication as required by law.

A motion to adopt Ordinance #11-2018 was put forth by Mayor Becker, seconded by Commissioner Amodeo, with a vote of three ayes.

**ORDINANCE #11-2018:**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 145 “FLOOD HAZARD AREAS” OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

**NOW THEREFORE BE IT ORDAINED** by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

**SECTION 1.** Margate City Code Chapter 145, “Flood Hazard Areas”, title is changed to read “An Ordinance Amending and Supplementing Chapter 145 “Flood Damage Prevention” of the City of Margate City, County of Atlantic and State of New Jersey.

**SECTION 2.** Section 5, Definitions is hereby amended as follows:

1. Change “Building Height” as follows:

**“Building Height” (Margate Requirement)** the vertical height of a structure or building measured from the minimum first floor elevation of the structure or building to the highest point of the coping of a flat roof, or the highest gable of a pitched roof. The first floor elevation for all new construction, substantial improvements and substantial additions shall be based three feet of freeboard to the bottom of the flooring system in any A Zone and two feet in any V Zone (to the lowest horizontal structural member) above the new Preliminary FIRM or any subsequent flood hazard maps promulgated by the Federal Emergency Management Administration. In all “X” zones, the building floor elevation shall be based on the most conservative (or highest) adjacent AE Zone Base Flood Elevation plus the required freeboard as defined above.

2. Change “Design Flood Elevation” as follows:

**“Design Flood Elevation” (DFE)** shall be the base flood elevation plus three feet and in the V-zone shall be base flood elevation plus two feet. All materials below DFE shall be water resistant as defined in ASCE-24.

3. Add – “Flood Insurance Rate Map (FIRM) as follows:

**“Flood Insurance Rate Map (FIRM)”** Maps released by FEMA on or about August 28, 2018 which supersede the Advisory Base Flood Elevation (ABFE) Mapping and are considered the best available flood hazard data for the City. Map Numbers 34001C0434F Revised

Preliminary dated August 28, 2018. Map Panel Number 34001C0432F dated August 28, 2018 and Map Panel Number 34001C0453F dated August 28, 2018 are considered to be the best available data.

4. Add: Non-Conversion Agreement as follows:

**“Non-Conversion Agreement”** Any enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building; all interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials; no mechanical, electrical or plumbing devices will be installed below the Base Flood Elevation ; and all enclosed areas below Base Flood elevation must be equipped with vents permitting the automatic entry and exit of flood waters.

5. Add: Preliminary Regulatory Map as follows:

**“Preliminary Regulatory Map”** The official map that will supersede the Advisory Flood Hazard Map and shall be the basis of delineation of the areas of flood hazard applicable to the City of Margate.

**SECTION 2.** Margate City Code Chapter 145, “Flood Hazard Areas”, Section V, Provisions for Flood Hazard Reduction, §145-17, A. Residential Construction, is hereby amended as follows:

2. New construction and substantial improvement of any residential structure located in a A or AE zone, shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating , ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, three feet to the underside of floor joist, whichever is more restrictive in any A or AE Zone .
3. Require within any AO, AH or VO Zone on the municipality’s FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at above the advisory base flood elevation or the best available flood hazard data elevation, elevation three feet to the underside floor joist, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

Add new #4 as follows:

4. New construction and substantial improvement of any residential structure located in an X Zone, shall have the lowest floor, including basement, together with the attendant utilities including all electrical , heating, ventilating, air-conditioning and other service equipment and sanitary facilities, elevated at or above the highest adjacent AE Zone base flood elevation or advisory base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, three feet to the underside of floor joist, whichever is more restrictive in any adjacent A or AE Zone.

**SECTION 3. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.**



**SECTION 4:** This ordinance shall take effect upon its final passage and publication as required by law.

A motion to adopt Ordinance #12-2018 was put forth by Commissioner Amodeo, seconded by Mayor Becker, with a vote of three ayes.

**ORDINANCE #12-2018:**

**AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF  
RIGHT-OF-WAY ALONG AMHERST AVENUE, MARGATE CITY,  
ATLANTIC COUNTY, NEW JERSEY**

**BE IT ORDAINED** by the Board of Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

**WHEREAS**, Harbour Bay, LLC is the developer and owner of adjoining property identified as Block 527, Lot 1, commonly known as 9317 Amherst Avenue; and

**WHEREAS**, Applicant Harbour Bay, LLC has requested that a 3' x 100' long section of the existing Amherst Avenue right-of-way contiguous to its property and as more fully detailed on a plan captioned "Street Vacation Plan, Block 527, Lot 1, Margate City, Atlantic County, New Jersey" dated 5/16/18, prepared by Arthur W. Ponzio Company & Associates, Inc., a copy of which is attached hereto and made a party hereof, be granted; and

**WHEREAS**, the Board of Commissioners have determined that said request for a partial vacation is reasonable and necessary to facilitate the development of the adjoining property owned by Harbour Bay, LLC.

**NOW THEREFORE**; be it ordained by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey as follows:

**SECTION 1.** That all roads, streets, avenues, highways and alleys, included within the following described boundaries are hereby vacated and all public rights therein are extinguished situate in the City of Margate, Atlantic County, New Jersey:

BEGINNING at a point in the Westerly line of Adams Avenue (50' wide) if extended 50' Northwesterly to the division line between the Amherst Avenue Right-of-Way (50' wide) with the Southerly line of Lot 1; thence

1. North 53° 33' 00" East, in and along the southerly line of Lot 1, a distance of 100' to a point; thence
2. South 36° 27' 00" East a distance of 3' to a point; thence
3. South 53° 33' 00" West parallel with the first course a distance of 100' to a point in the west line of Adams Avenue, if extended; thence
4. North 53° 33' 00" West in and along same a distance of 3' to the point and place of BEGINNING.

Being known as a 3' x 100' street vacation area within the current Right-of-Way of Amherst Avenue.

Containing an area of 300 square feet.

**SECTION 2:** That the public rights arising from any dedication of the portion of said streets above mentioned and indicated on a map filed in the office of the City Clerk of Margate and described above, so vacated as aforesaid, be and the same are hereby released and extinguished..

**SECTION 3:** That the City Clerk shall immediately after final passage and publication of this Ordinance, make and file in the office of the Clerk of the County of Atlantic, a copy of this Ordinance, together with a copy of the proof of publication hereof, duly certified by him/her, under corporate seal of the City of Margate, for record, as required by law.

**SECTION 4:** That all Ordinances or parts of Ordinances inconsistent with the provisions hereof, be and same are hereby repealed and that this Ordinance shall take effect immediately after final passage and publication.

**SECTION 5.** This Ordinance shall take effect upon its final passage and publication as required by law.

**RESOLUTIONS:**

A motion to adopt Resolution #111-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

**A motion to pull item #18-00850 from Resolution #111-2018 before its adoption was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.**

**RESOLUTION #111-2018**  
**MARGATE CITY BILL LIST / PAYROLL**  
**JUNE 7, 2018**

**WHEREAS,** the Board of Commissioners of the City of Margate City, are in receipt of the semimonthly claims submitted by the Chief Financial Officer for payment:

**BILLS LIST AMOUNT:** \$3,477,856.46

**PREVIOUSLY PAID:** \$1,323,556.66

**PAYROLL ACCOUNT – May 24, 2018**

**CURRENT ACCOUNT** \$ 465,267.25

**WATER & SEWER** \$ 52,184.39

**PAYROLL ACCOUNT – June 7, 2018**

**CURRENT ACCOUNT** \$ 486,754.07

**WATER & SEWER** \$ 52,624.75

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners does hereby approve the Margate City Bill List / Payroll, and that all claims and bills attached here to be paid in full.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo	X		X			
Blumberg		X	X			

## REGULAR MEETING

June 7, 2018

June 5, 2018  
05:30 PMCity of Margate City  
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All  
 Range: First to Last  
 Format: Condensed  
 Include Non-Budgeted: Y

open: N  
 Rcvd: Y  
 Bid: Y

Paid: N  
 Held: N  
 State: Y

void: N  
 Aprv: Y  
 Other: Y  
 Exempt: Y

First Enc Date Range: First to 06/07/18

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
17-00163	01/24/17	GARDENST GARDEN STATE HIGHWAY PRODUCTS	Traffic Signs & Supplies	open	36.00	0.00	
17-00965	06/28/17	STOCK CO Stockton University	watershed Management Plan	open	15,257.19	0.00	C
		Contract No: C1700019					
17-01226	09/07/17	RUTALA James Rutala Associates, LLC.	Sustainable Jersey Grant mgmt	open	3,832.81	0.00	C
		Contract No: C1700023					
17-01241	09/01/17	STAPLES STAPLES BUSINESS ADVANTAGE	office Supplies	open	274.58	0.00	
17-01483	11/02/17	SHORE010 Shore Top Construction Corp.	Sig Rimm Complex Tennis Courts	open	23,307.81	0.00	C
		Contract No: U1220000					
17-01734	12/21/17	RUTALA James Rutala Associates, LLC.	DR4264 Grant Management	open	5,495.00	0.00	C
		Contract No: C1700027					
18-00011	01/16/18	SAMS Sam's Club	Supplies	open	1,016.18	0.00	
18-00012	01/16/18	SAMS Sam's Club	Supplies	open	325.70	0.00	
18-00013	01/16/18	WB MASON W.B. MASON CO., INC.	Supplies	open	618.38	0.00	
18-00014	01/16/18	WB MASON W.B. MASON CO., INC.	Supplies	open	298.70	0.00	
18-00015	01/16/18	PROFORMA PROFORMA DYNAMIC RESOURCES	shirts and uniforms	open	260.00	0.00	
18-00016	01/16/18	BWSTEST0 B.W.Stetson Warehouse	coffee Supplies	open	329.50	0.00	
18-00022	01/17/18	STEINER Robert & Marilyn Steiner	refund tax payment in error	open	3,000.43	0.00	
18-00028	01/17/18	ACELECTR ATLANTIC CITY ELECTRIC	2018 General Accounts	open	1,418.46	0.00	
18-00029	01/17/18	ACELECTR ATLANTIC CITY ELECTRIC	2018 water and Sewer Accounts	open	388.58	0.00	
18-00030	01/17/18	ACELECTR ATLANTIC CITY ELECTRIC	2018 Street Light Accounts	open	26.03	0.00	
18-00031	01/17/18	ACELECTR ATLANTIC CITY ELECTRIC	2018 Temp Accounts	open	53.72	0.00	
18-00049	01/18/18	CASA CASA PAYROLL SERVICE	2018 Payroll Billing	open	1,101.95	0.00	
18-00053	01/18/18	ADVOCR Advocare, LLC	Physical for Employment	open	240.00	0.00	
18-00058	01/18/18	INSTANT Instant verification Child	Background Checks	open	342.00	0.00	
18-00064	01/03/18	NJDIVPEN NJ DIV OF PENSION & BENEFITS	2018 employee health benefits	open	229,901.92	0.00	B
18-00114	01/23/18	GARYGLAS GARY M. GLASS, M.D.	Pre-Employment Testing	open	350.00	0.00	
18-00129	01/01/18	MARGBD01 MARGATE CITY BD OF EDUCATION	2018 School Taxes	open	1,751,901.32	0.00	
18-00131	01/01/18	VITAL Vital Communications, INC	2018 Assessing service MOD 1v	open	1,450.00	0.00	C
		Contract No: C1800002					
18-00137	01/11/18	GRUCCIO GRUCCIO, PEPPER, DeSANTO&RUTH	Labor attorney	open	352.50	0.00	C
		Contract No: C1800006					
18-00142	02/01/18	ANGERMAN Michael Angerman Landscaping	2018 Landscape maintenance	open	10,389.99	0.00	C
		Contract No: C1800009					
18-00149	01/24/18	WB MASON W.B. MASON CO., INC.	MATERIALS & SUPPLIES	open	254.83	0.00	
18-00166	01/01/18	DELTA010 DELTA DENTAL PLAN OF NJ	2018 Dental claims & admin	open	848.70	0.00	B
18-00175	01/29/18	DOLCEAMO Victoria Dolceamore	Piano Lessons	open	250.00	0.00	
18-00179	01/01/18	JPM JERSEY PROFESSIONAL MANAGEMENT	2018 Business Administrator	open	7,810.00	0.00	C
		Contract No: C1800014					
18-00180	01/29/18	STAPLES STAPLES BUSINESS ADVANTAGE	office Supplies	open	682.39	0.00	
18-00183	01/29/18	NJLM NJ STATE LEAGUE MUNICIPALITIES	membership 2018 Johanna Casey	open	630.00	0.00	
18-00202	05/21/18	DEBORAH Deborah Havrilchak	Sound Recorder	open	200.00	0.00	
18-00220	01/31/18	PEACHCO PEACH COUNTRY TRACTOR, INC.	PARTS & SUPPLIES	open	121.89	0.00	
18-00233	02/01/18	BIANCHI Christine A. Bianchi	Fitness Classes	open	645.00	0.00	
18-00240	02/01/18	LUCKY Lucky Dog Custom Apparel	Tshirts and uniforms	open	242.00	0.00	
18-00245	02/02/18	STAPLES STAPLES BUSINESS ADVANTAGE	Computer Accessories	open	161.11	0.00	
18-00252	02/02/18	CATERINA Caterina Supply, Inc.	WATER & SEWER SUPPLIES	open	2,326.02	0.00	
18-00279	02/07/18	ROVILLAR HANK ROVILLARD, ESQ., LLC	2018 Professional Services	open	4,333.50	0.00	
18-00304	02/15/18	SJHAU005 S.J. Hauck Housemovers, LLC	Raise Lifeguard HQ	open	42,437.94	0.00	C
		Contract No: U1200000					

## REGULAR MEETING

June 7, 2018

June 5, 2018  
05:30 PMCity of Margate City  
Purchase Order Listing By P.O. Number

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00311	03/01/18	HORIZON2 HORIZON EYE CARE PA Contract No: C1800020	18/19 Employee vision Plan	open	924.75	0.00	c
18-00354	02/22/18	BSNSPORT BSN Sports, LLC	Sports Equipment	open	3,245.94	0.00	
18-00365	02/23/18	CSL CSL WATER QUALITY, INC.	WATER TREATMENT SERV CONTRACT	open	725.00	0.00	
18-00372	02/24/18	MARGBDED MARGATE CITY BD OF EDUCATION	Tighe School improvements	open	7,316.18	0.00	
18-00389	02/27/18	GROFF Groff Tractor New Jersey, LLC.	TRACTOR PARTS & SERVICES	open	1,270.00	0.00	
18-00392	02/27/18	GARDENST GARDEN STATE HIGHWAY PRODUCTS	Signs and Traffic Maintenance	open	412.00	0.00	
18-00395	02/27/18	HERTRICH HERTRICH FLEET SERVICES INC	2018 Ram 1500 SSV 4 x 4 crew	open	30,945.85	0.00	
18-00397	02/28/18	MIRACLE MIRACLE CHEMICAL COMPANY	15% SODIUM HYPOCHLORIDE	open	1,203.95	0.00	
18-00409	03/01/18	SHRM Society for Human Resource Mgt	kelle HR classes	open	1,115.00	0.00	
18-00410	03/01/18	KATZ Michael & Pamela Katz	Tax Refund	open	4,048.64	0.00	
18-00469	03/09/18	SHOPRITE Village Super Market, Inc.	Supplies	open	75.75	0.00	
18-00479	03/12/18	RALPHCLA RALPH CLAYTON & SONS	CONCRETE	open	602.26	0.00	
18-00480	03/12/18	MANOS Manos Law Firm, LLC.	2018 Planning Board solicitor	open	1,200.00	0.00	
18-00485	03/12/18	PRIM Prime Stripe, Inc.	Field Paint	open	437.75	0.00	
18-00500	03/13/18	FROMUTH Fromuth Tennis	Tennis/Pickleball supplies	open	1,638.92	0.00	
18-00560	04/03/18	FRYES Frye's Auto Repair	Vehicle Maintenance	open	205.85	0.00	
18-00563	04/04/18	J CIOETA JOANN CIOETA	Reimbursement	open	129.86	0.00	
18-00579	04/09/18	SWANA SWANA NEW JERSEY CHAPTER	MEMBERSHIP-ANTHONY	open	257.00	0.00	
18-00592	04/04/18	CHANNING Channing Bete Company, Inc.	CPR Training Materials	open	219.90	0.00	
18-00608	04/12/18	LUCKY Lucky Dog Custom Apparel	2018 Lifeguard uniform order	open	8,108.45	0.00	
18-00609	04/11/18	AIRGAS Air & Gas Technologies, Inc.	2018 Service Contract	open	1,526.00	0.00	
18-00626	04/17/18	SHEPPARD Sheppard Bus Service	Buses for Summer Camp	open	1,960.00	0.00	
18-00686	04/30/18	INSURA INSURANCE AGENCIES, INC.	Road opening Bond	open	100.00	0.00	
18-00693	05/01/18	CRUZAN Cruzan's Truck Service, Inc.	M36-PASSENGER SIDE WINDOW TRK	open	43.89	0.00	
18-00694	05/01/18	FORKED FORKED RIVER DIESEL & GENERATO	GLADSTONE & AMHERST-WELL#8	open	5,725.00	0.00	
18-00703	04/11/18	AIRGAS Air & Gas Technologies, Inc.	SCBA Parts and Supplies	open	263.69	0.00	
18-00705	04/17/18	ACTION U ACTION UNIFORM CO. LLC	Fire Department uniform Items	open	1,308.00	0.00	
18-00707	05/03/18	ATLANTIC ATLANTIC COAST ALARM, INC.	Alarms/Cameras/IDS	open	112.50	0.00	
18-00721	05/07/18	SWANA SWANA NEW JERSEY CHAPTER	Edge SWANA Golf outing 5/14/18	open	90.00	0.00	
18-00727	05/08/18	USABLU USA BLUEBOOK	HACH DPD POWDERED PILLOWS	open	124.41	0.00	
18-00728	05/08/18	NORTHENS NORTHERN SAFETY CO., INC.	SHOE COVERS	open	34.31	0.00	
18-00729	05/08/18	STAPLCRE Staples Business Credit	Supplies and Furniture	open	710.04	0.00	
18-00732	05/08/18	SHRED SHRED-IT USA LLC	SHREDDING SERVICE	open	1,226.50	0.00	
18-00733	04/30/18	VCI VCI Emergency Vehicle special	Preventive Maintenance - A-20	open	256.27	0.00	
18-00736	05/08/18	COREM005 Core & Main LP	2" METERS	open	1,000.00	0.00	
18-00738	05/09/18	WB MASON W.B. MASON CO., INC.	Fire Dept. office supplies	open	298.44	0.00	
18-00741	05/09/18	LISA MCL LISA MCLAUGHLIN	expense reimbursements	open	297.41	0.00	
18-00742	05/09/18	UNLINE Uline Shipping supplies	CABLE SEALS FOR HYDRANTS	open	486.08	0.00	
18-00746	05/09/18	SJLIFEG SOUTH JERSEY LIFEGUARD	2018 SJLCA Annual Dues - MCBP	open	210.00	0.00	
18-00747	05/07/18	SUNBUM Sun Bum LLC	2018 Beach Patrol sunscreen	open	912.94	0.00	
18-00748	05/09/18	WILLIAMS WILLIAMS SCOTSMAN, INC.	Sta. 2 Trailer Rental May 2018	open	199.29	0.00	
18-00749	04/30/18	SJWELDIN SOUTH JERSEY WELDING SUPPLY CO	Oxygen Rental - April 2018	open	34.20	0.00	
18-00752	05/10/18	AEROTEK Aerotek Environmental, LLC	CITY HALL-AIR & CONTAMIN INSP	open	595.00	0.00	
18-00756	05/10/18	GALLOWAY GALLOWAY WHOLESALE NURSERY	SHRUBS & FLOWERS	open	1,251.00	0.00	
18-00759	05/10/18	JOHNSTON Johnstone Supply	CITY HALL - MOTOR EXHAUST FAN	open	157.82	0.00	
18-00764	05/11/18	JOHNSTON Johnstone Supply	CITY HALL - ACTUATOR	open	1,025.65	0.00	
18-00768	05/14/18	ROBER005 Robert L. Tanenbaum	Fitness for Duty Evaluation	open	1,500.00	0.00	
18-00771	05/12/18	MCCARTHY McCarthy Tire Company of Phila	721G - SPARE TIRE & PARTS	open	2,798.00	0.00	
18-00773	05/14/18	CATAMA CATAMARAN MEDIA COMPANY		open	761.45	0.00	
18-00777	03/01/18	REMINGTO REMINGTON & VERNICK Contract No: U1200002	Raise LG Headqtrs-admin/observ	open	67.50	0.00	c
18-00778	05/14/18	GALLOWAY GALLOWAY WHOLESALE NURSERY	FLOWERS FOR CITY	open	487.00	0.00	
18-00785	05/15/18	M JEWITT Margaret Jewitt	Exercise Class	open	240.00	0.00	



## REGULAR MEETING

June 7, 2018

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05:30 PMCity of Margate City  
Purchase Order Listing By P.O. Number

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00788	05/15/18	IDCARD	ID CARD GROUP	Preplacement ID Card Printer	open	1,474.31	0.00
18-00789	05/15/18	ANJR	Assoc. of NJ Recyclers (ANJR)	ASSOC OF NJ RECYCLERS WORKSHOP	open	45.00	0.00
18-00792	05/16/18	ATLIRRI	ATLANTIC IRRIGATION	Sprinkler Parts	open	537.96	0.00
18-00794	05/16/18	H BARBER	H. BARBER & SONS, INC.	PARTS FOR BEACH RAKE	open	2,190.10	0.00
18-00795	05/17/18	VENTNOR	Ventnor Print Shop	Anthony Edge-Business Cards	open	52.00	0.00
18-00796	05/15/18	BATTERY	Batteries Plus Bulbs	9 volt Batteries - Smoke Det.	open	86.32	0.00
18-00797	05/16/18	CDSALES	C & D SALES	FD Uniform Item	open	29.95	0.00
18-00798	05/16/18	WB MASON	W.B. MASON CO., INC.	Fire Dept. Office Supplies	open	245.60	0.00
18-00799	05/17/18	WILLIER	WILLIER ELEC MOTOR REPAIR CO.	WELL & VFB'S - TROUBLESHOOT	open	540.00	0.00
18-00801	05/17/18	ECASALE	CASALE REMODELING LLC.	GLADSTONE PUMP HOUSE ROOF	open	250.00	0.00
18-00802	05/17/18	ALMO PO	Almo Pools	CHEMICALS FOR FOUNTAINS	open	373.94	0.00
18-00803	05/17/18	SAFETYPL	Safety Play, Inc.	PLAYGROUNDS - SAFETY LABELS	open	233.00	0.00
18-00806	05/14/18	ALERTALL	Alert-All Corp.	Fire Prevention Materials	open	304.00	0.00
18-00807	05/17/18	SUSAN SA	Susan Safer	Tennis Instructor	open	200.00	0.00
18-00811	05/21/18	JOE D	Joseph Destefano	EMT Class Reimbursement	open	240.00	0.00
18-00812	05/08/18	SAID	SAID SEW MONOGRAMMING	Beach Patrol Shorts Logo	open	273.75	0.00
18-00813	05/18/18	TACTICAL	TACTICAL PUBLIC SAFETY LLC	Repairs to Station 1 Radio Sys	open	499.49	0.00
18-00818	05/21/18	WEINSTEI	WEINSTEIN PLUMBING SUPPLY	LUCY THE ELEPHANT - H/W HEATER	open	544.56	0.00
18-00823	05/22/18	NJTOA	New Jersey Police Traffic	Annual Membership	open	50.00	0.00
18-00824	05/23/18	MRS	MUNICIPAL RECORD SERVICE	Traffic Tickets	open	414.00	0.00
18-00826	05/04/18	THOM WES	THOMSON REUTERS WEST	NJ STAT T2B Court	open	207.00	0.00
18-00827	05/18/18	SCHWAAB	SCHWAAB, INC	Stamp	open	39.25	0.00
18-00829	05/14/18	MATTHEW	MATTHEW BENDER & COMPANY, INC.	Subscription	open	52.44	0.00
18-00832	04/10/18	TRI ST	Tri-state Diagnostics Corp.	Random Drug Testing	open	28.00	0.00
18-00833	05/16/18	HUBER	HUBER LOCKSMITHS, INC.	2 KEYS FOR CITY HALL	open	17.00	0.00
18-00834	05/23/18	ATLIRRI	ATLANTIC IRRIGATION	FOUNTAIN SUPPLIES	open	219.04	0.00
18-00838	05/24/18	WB MASON	W.B. MASON CO., INC.	Sound machines	open	119.38	0.00
18-00839	05/24/18	CHASEMAN	CHASE MANHATTAN BANK	Principal pmt-2013 Bonds	open	1,180,000.00	0.00
18-00840	05/24/18	REMGINTO	REMGINTON & VERNICK	BULKHEAD ESCROW B064-FINAL	open	270.00	0.00
18-00841	05/24/18	AMONCON	Amon Construction, LLC	refund escrow balance B064	open	1,730.00	0.00
18-00847	05/29/18	CM 3	CM3 BUILDING SOLUTIONS, INC.	Circulator Pump Replacement	open	793.97	0.00
18-00848	05/29/18	ATLANTIC	ATLANTIC COAST ALARM, INC.	Police Dept Motion Sensors	open	585.00	0.00
18-00850	05/29/18	FEDEX	FED EX	pickup and deliver package	open	473.24	0.00
18-00851	05/29/18	MAPLE	MAPLE DIRECT, INC.	2018 Fireworks Mailer Prep	open	1,180.00	0.00
18-00854	05/29/18	WILLIER	WILLIER ELEC MOTOR REPAIR CO.	TROUBLESHOOT ISSUES 75HP MOTOR	open	9,449.35	0.00
18-00855	05/29/18	NETW005	Networkfleet, Inc.	GPS unit installation	open	1,365.00	0.00
18-00860	05/01/18	INFINI	Infinisource, Inc.	COBRA admin & premium collecti	open	1,115.00	0.00
18-00861	05/30/18	WB MASON	W.B. MASON CO., INC.	janitorial supplies	open	291.90	0.00
18-00862	05/30/18	WB MASON	W.B. MASON CO., INC.	Office Supplies	open	415.94	0.00
18-00863	05/01/18	HUBER	HUBER LOCKSMITHS, INC.	CITY HALL-REPL CABINET LOCKS	open	218.75	0.00
18-00864	05/30/18	TD BANK	TD BANK, NATIONAL ASSOC	NJEIT Series 2001 payments	open	52,641.59	0.00
18-00865	05/30/18	GARDEN S	Garden State Investment	LIEN REDEMPTION CERT #17-00005	open	2,466.14	0.00
18-00866	05/30/18	WB MASON	W.B. MASON CO., INC.	COFFEE FOR CITY HALL PER MAYOR	open	105.00	0.00
18-00874	06/01/18	ERIKS	Erik's Painting, LLC.	HIST CITY HALL-REAR STAIRWELL	open	2,800.00	0.00
18-00879	05/24/18	DIMEGLIO	Dimeglio Septic Inc.	PORTAJOHN RENTALS	open	340.00	0.00
18-00881	06/01/18	NJ CIVIL	NJ Civil Service Commission	Camps Training	open	100.00	0.00
18-00884	06/04/18	COLE	cole Information	NJ-ATL-BKDCO subsription	open	219.00	0.00
18-00885	06/04/18	PETER CR	PETER CROOK	Music and PA system for parade	open	350.00	0.00
18-00887	01/01/18	REMGINTO	REMGINTON & VERNICK	PSPG Phase II-Zoning ord	open	245.00	0.00 c
			Contract No: T3900000				
18-00891	06/04/18	COLE	cole Information	2018 subscription renewal	open	238.95	0.00
18-00894	05/21/18	LOWES	Lowe's Commercial Services	rug tape and pads-Finance	open	72.14	0.00
18-00895	01/31/18	MARGBD	MARGATE CITY BD OF EDUCATION	17/18 Municipal Alliance-	open	922.69	0.00
18-00897	06/05/18	COMCAST	COMCAST	SCADA-INTERNET ACCESS	open	209.70	0.00

## REGULAR MEETING

June 7, 2018

June 5, 2018  
05:30 PMCity of Margate City  
Purchase Order Listing By P.O. Number

Page No: 4

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00898	06/05/18	VERIZON VERIZON	ISDN CIRCUIT-COURT ROOM	open	211.20	0.00	
18-00899	06/05/18	ATXTELEC Broadview Networks	TELEPHONE SERVICE-MAY 2018	open	3,517.02	0.00	
18-00900	06/05/18	VERIZON1 verizon wireless	CELLULAR SERVICE-MAY 2018	open	749.49	0.00	
18-00903	03/01/18	CITYPROL CITY OF MARGATE PAYROLL ACCT	fund DCRP ER LTD & Group Life	open	280.78	0.00	
18-00908	05/10/18	JOHN DAN FLEISHMAN DANIELS LAW OFFICES	Bond counsel fees-2018 capital	open	2,435.95	0.00	
Total Purchase Orders:		150	Total P.O. Line Items:	0	Total List Amount:	3,477,856.46	Total Void Amount: 0.00

June 5, 2018  
05:30 PMCity of Margate City  
Purchase Order Listing By P.O. Number

Page No: 5

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
APPROPRIATIONS	7-01	310.58	0.00	0.00	310.58
APPROPRIATIONS	8-01	3,314,042.29	0.00	0.00	3,314,042.29
	8-05	25,868.11	0.00	0.00	25,868.11
Year Total:		3,339,910.40	0.00	0.00	3,339,910.40
	C-04	107,011.16	0.00	0.00	107,011.16
	C-06	974.38	0.00	0.00	974.38
Year Total:		107,985.54	0.00	0.00	107,985.54
	G-01	25,507.69	0.00	0.00	25,507.69
	T-09	1,000.00	0.00	0.00	1,000.00
	T-14	3,142.25	0.00	0.00	3,142.25
Year Total:		4,142.25	0.00	0.00	4,142.25
Total of All Funds:		3,477,856.46	0.00	0.00	3,477,856.46

6/4/2018

## CITY OF MARGATE

## PAY #12

PAY PERIOD 6/7/2018(GET FROM PAYROLL EXPENSE REPORT PM63)  
CURRENT FUND

463,214.42

PAY FROM  
Current ck #228597PAYABLE TO:  
PAYROLL ACCT

UTILITY FUND

8000 SEWER  
9000 WATER

22,993.78

29,630.97

52,624.75

Water &amp; Sewer ck #

228598

PAYROLL ACCT

TOTAL PAYROLL EXPENSE (ADJUSTED GROSS + WKRS COMP)

515,539.17

EMPLOYER PAYROLL TAXES

SOCIAL SECURITY (FICA + MEDICARE)

21,966.24

DISABILITY (SDI + SUI + WFD)

1,286.48

DCRP

287.93

TOTAL EMPLOYER EXPENSE

23,539.65

Current ck #

228599

PAYROLL ACCT

ADJUSTED GROSS + ER EXPENSE

539,378.82

(GET FROM CASA VOUCHERS)

GARNISHMENTS

232,135.77

Payroll ck #

228600

PAYROLL DEDUCTION ACCT

INDIVIDUAL CHECKS &amp; DIRECT DEPOSIT

307,243.05

TOTAL PAYROLL EXPENSE

539,378.82



A motion to adopt Resolution #112-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of two ayes. Mayor Becker abstained.

**RESOLUTION #112-2018**  
**AUTHORIZING PAYMENT TO COLMAR HOME CENTER**  
**JUNE 7, 2018**

**AUTHORIZED PAYMENT - COLMAR HOME CENTER**

**WHEREAS**, the Board of Commissioners of the City of Margate City, are in receipt of the bi-monthly claim as submitted by the Chief Financial Officer for payment as follows:

**COLMAR HOME CENTER**                      \$1,406.71

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners does hereby approve the Margate City Bill for Colmar Home Center, attached hereto be paid in full.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker					X	
Amodeo	X		X			
Blumberg		X	X			

#113-2018

June 4, 2018  
12:56 PMCity of Margate City  
Detail Vendor Activity Report By Vendor Id

Page No: 1

Vendor Range: COLMAR to COLMAR				Status: Active			
Report Type: Open				Include Open Requisitions: N			
Threshold Amount: 0.00		Include Tax Id: Y		Contract: N		Bid: Y State: Y Other: Y Exempt: Y	
Date Range Type: First Encumbrance		First Enc Date Range: 01/01/17		06/04/18		As Of Date: 06/04/18	
Vendor # Name				Status	1099 Type	Tax Id	1099
First P.O. # Item Description				Prch. Type	Status	Invoice	Amount
Enc Date Contract Id Account Type Charge Account				Account	Description		Excl
COLMAR Colmar Home Center				Active	Non Employee	222770421	
06/04/18 18-00302 10 Public works Dept. April				Other	Open	APRIL	862.05
Budget 8-01-26-290-213				Str	Materials & Supplies (General)		
06/04/18 18-00302 11 Recreation Dept. April				Other	Open	APRIL	3.86
Budget 8-01-28-376-201				Rec	Office Supplies		
06/04/18 18-00302 12 Beach Patrol				Other	Open	APRIL	356.81
Budget 8-01-28-380-213				Lif	Materials & Supplies		
06/04/18 18-00302 13 Police Dept. Feb. April				Other	Open	APRIL	69.42
Budget 8-01-25-240-210				Pol	Dept - Misc Supplies		
06/04/18 18-00302 14 Fire Dept. Feb. April				Other	Open	APRIL	51.95
Budget 8-01-25-265-213				Fire	Department - Materials & Supplies		
06/04/18 18-00474 3 Water Sewer Monthly Purchases				Other	Open	APRIL	62.62
Budget 8-05-55-502-213				WS	Materials & Supplies		
Total Open P.O.: Bid:				0.00	State:	0.00	All: 1,406.71
Total Vendors: 1				Total Open P.O.: 1,406.71			

**CONSENT AGENDA:**

A motion for the approval of the consent agenda was put forth by Commissioner Amodeo seconded by Commissioner Blumberg. The motion to approve the consent agenda was carried with three affirmatives.

**RESOLUTION #113-2018**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MARGATE CITY  
ADOPTING THE FORM OF THE NEW JERSEY TORT CLAIMS ACT  
QUESTIONNAIRE REQUIRED TO BE UTILIZED BY CLAIMANTS FOR THE  
FILING OF NOTICES OF TORT CLAIM AGAINST THE CITY OF MARGATE CITY  
IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS  
ACT, N.J.S.A. 59:8-6 AND DESIGNATING QUAL-LYNX AS THE AGENT FOR THE  
CITY OF MARGATE CITY TO PROVIDE THE QUESTIONNAIRE TO ALL OF THE  
CLAIMANTS AND TO RECEIVE THE COMPLETED QUESTIONNAIRE FROM THE  
CLAIMANTS.**

**WHEREAS**, the New Jersey Tort Claims Act, specifically N.J.S.A. 59:8-6, provides that a public entity may adopt a form specifying information to be contained in claims filed against a public entity or its employee under the New Jersey Tort Claims Act; and

**WHEREAS**, the City of Margate City is a public entity as defined in New Jersey Claims Act; and

**WHEREAS**, the City of Margate City has determined that it is advisable, necessary and in the public interest to adopt a form Tort Claims Act Questionnaire in the form attached hereto and made a part of this Resolution; and

**WHEREAS**, the City of Margate City has determined that it is in their best interest to designate the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF), Qual-Lynx, as their agent to provide the Tort Claims Act Questionnaire to all of the Claimants and to receive the completed Questionnaire from the Claimants.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Margate City, assembled at a public session on this 7th day of June 2018, that the attached form of Tort Claims Act Questionnaire be and it is hereby adopted as the official Tort Claim Act Questionnaire in accordance with *N.J.S.A. 59:8-6* for the City of Margate City; and

**BE IT FURTHER RESOLVED**, that all persons making claims against the City of Margate City, in accordance with the New Jersey Tort Claims Act, *N.J.S.A. 59:8-1*, et seq., shall be required to complete the Questionnaire which is attached as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

**BE IT FURTHER RESOLVED**, that Qual-Lynx, the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) be and they are hereby designated as the agent for the City of Margate City to provide the Tort Claims Act Questionnaire to all Claimants and to receive the completed Questionnaire from the Claimants.

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #114-2018**

**A RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR FUNDING TO COMPLETE A WATER SYSTEM ASSET MANAGEMENT PLAN**

**Whereas**, the New Jersey Environmental Infrastructure Trust is an independent State Financing Authority responsible for providing and administering low interest rate loans to qualified municipalities, counties, regional authorities, and water purveyors in New Jersey for the purpose of financing water quality infrastructure projects that enhance ground and surface water resources, ensure the safety of drinking water supplies, protect the public health and make possible responsible and sustainable economic development.; and

**Whereas**, the NJEIT offers a 100 percent principal forgiveness loan with a \$100,000 cap to communities to fund a Water System Asset Management Plan with the commitment that a project identified in the Plan will be funded by NJEIT; and

**Whereas**, an Asset Management Plan incorporates detailed asset inventories, operation and maintenance tasks and a long-range financial planning strategy to ensure that annual revenue reserves and reinvestment are sufficient to facilitate long-term viability of the system. The five major, generally recognized components of asset management are:

1. Performing an inventory and condition assessment of the system's assets;
2. Defining level of service goals;
3. Prioritizing assets based on criticality and business risk exposure;
4. Establishing life cycle costs, and
5. Developing a long-term funding strategy.

**Whereas**, City of Margate would like to apply for funding for a Water System Asset Management Plan; and

**Whereas**, the City of Margate qualifies for funding through the New Jersey Environmental Infrastructure Trust.

**Now Therefore Be It Resolved**, that the Governing Body does hereby authorize the application for this Program.

**Be It Further Resolved** that the Mayor and Clerk are hereby authorized to apply to the New Jersey Environmental Infrastructure Trust on behalf of the City of Margate.

**Be It Further Resolved** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #115-2018****AUTHORIZING REFUND OF REDEMPTION  
MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, at the Margate City Municipal Tax Sale held on December 15, 2017 a lien was sold on Block 128 Lot 84 C000B also known as 26 S Adams Avenue in Margate City for 2016 sewer,

**WHEREAS**, this lien, known as Tax Sale Certificate #17-00005 was sold to Garden State Investment for 0% redemption fee and a \$2,200 premium; and,

**WHEREAS**, Certificate #17-00005 has been redeemed in the amount of \$266.14.

**NOW, THEREFORE, BE IT RESOLVED**, that the treasurer be authorized to issue a check in the amount of \$266.14 payable to Garden State Investment for redemption of Tax Sale Certificate #17-00005,

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$2,200 (Premium) to the aforementioned lienholder.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Lisa McLaughlin, Finance Manager
2. Linda Morgan, Tax Collector

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #116-2018****AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, it has been determined by the Tax Collector that Block 106 Lot 31 C0007 known as 7 S. Franklin Avenue (Unit 7) has a tax overpayment of \$829.63 due to an overpayment from the Mortgage Company , Corelogic,

**WHEREAS**, it is the desire of the Mortgage Company, Corelogic, to have this overpayment refunded,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the

City of Margate, County of Atlantic, State of New Jersey, that:

The Treasurer is hereby authorized to issue a check  
in the amount of \$829.63 to the aforementioned lienholder.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution  
be forwarded to the Finance Officer and the Tax Collector.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #117-2018**

**AUTHORIZING ADDENDUM TO CITY OF MARGATE CITY PBA LOCAL 65**  
**LABOR AGREEMENT**  
**JANUARY 1, 2018 THRU DECEMBER 31, 2021**  
**TO CORRECT SALARY & LONGEVITY DISBURSEMENT SCHEDULE**

**WHEREAS**, The City of Margate has a Labor Agreement with Margate City PBA Local 65; and

**WHEREAS**, The Board of Commissioners has determined that there is a need to amend such agreement to accurately reflect the dates that Longevity and Step Increases become effective; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Margate that "Salary & Longevity Disbursement Schedule" attached hereto is hereby adopted and will be issued to Margate City PBA Local 65; and

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**ADDENDUM A**  
**SALARY & LONGEVITY DISBURSEMENT SCHEDULE**

- 1. All appropriate salary and longevity increases shall be made on January 1<sup>st</sup> of each year, regardless of the anniversary hire date of the respective employee.*

**R E S O L U T I O N #118-2018**

**AUTHORIZING ADDENDUM TO CITY OF MARGATE CITY EMPLOYEES**  
**ASSOCIATION LABOR AGREEMENT**  
**JANUARY 1, 2018 THRU DECEMBER 31, 2021**  
**TO CORRECT SALARY & LONGEVITY DISBURSEMENT SCHEDULE**

**WHEREAS**, The City of Margate has a Labor Agreement with Margate City Employees Association; and

**WHEREAS**, The Board of Commissioners has determined that there is a need to amend such agreement to accurately reflect the dates Step Increases become effective; and

**NOW THEREFORE, BE IT RESOLVED**, “Hired Between January 1, 2013 and December 31, 2017”

ADD: To Salary Guide the language:

**Electrician**

**2018 – 2.5%**

**Years 4-6 68,808**

**2019-2.5%**

**Years 4-6 70,528**

**2020 – 2.5%**

**Years 4-6 72,291**

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Board of Commissioners of the City of Margate that “Salary & Longevity Disbursement Schedule” attached hereto is hereby adopted;

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**ADDENDUM A**  
**SALARY & LONGEVITY DISBURSEMENT SCHEDULE**

- 1. All appropriate salary and longevity increases shall be made on January 1<sup>st</sup> of each year, regardless of the anniversary hire date of the respective employee.*

**RESOLUTION #119-2018**

**AUTHORIZING THE APPOINTMENT OF**  
**JAMES MANGHAN AS TAX ASSESSOR**

**WHEREAS**, there exists a need for the appointment of a Municipal Tax Assessor in the City of Margate City in the County of Atlantic, State of New Jersey; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-146 et seq. a municipality shall have a Tax Assessor with a term of office of four (4) years;

**WHEREAS**, JAMES MANGHAN has served as Margate City Tax Assessor from July 1, 2014 and has all the certifications to serve as Margate City Tax Assessor.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Commissioners of the City of Margate City that James Manghan be appointed Tax Assessor for a term of four (4) years in accordance with N.J.S.A. 40A:9-146.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the following:

1. Division of Local Government Services, Department of Community Affairs.
2. James Manghan, Tax Assessor
3. Colleen Dorsey, Payroll Clerk
4. Lisa McLaughlin, CFO



ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #120-2018****AUTHORIZING CHANGE ORDER #1 (DECREASE)**  
**LIFEGUARD HEADQUARTERS RAISING**  
**S.J.HAUCK HOUSEMOVERS, LLC**

**WHEREAS**, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on February 15, 2018 authorized the awarding a contract to S. J. Hauck Housemovers, LLC, 6801 Delilah Road, Egg Harbor Township, NJ 08234, as per their proposal in an amount of \$184,615.27; and

**WHEREAS**, the City Engineer , Edward Walberg, has prepared a letter dated May 16, 2018 regarding increase in Change Order #1 that related to a change in contract due to work utilized in allowance in the amount of \$16,352.23, resulting in a new contract total of \$168,263.04; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available under Capital Ordinance 2017-04 C04-55-980-904; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with S. J. Hauck Housemovers, LLC, 6801 Delilah Road, Egg Harbor Township, NJ 08234: and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Edward Walberg, City Engineer
3. S. J. Hauck Housemovers, LLC, 6801 Delilah Road, Egg Harbor Township,  
NJ 08234

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**Certification Of Availability of Funds**

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 168,263.04  
Resolution Date: 06/07/18  
Resolution Number: 120-2018

Vendor: SJHAU005 S.J. Hauck Housemovers, LLC  
6801 Delilah Road  
Egg Harbor Twsp., NJ 08234

Contract: U1200000 Raise Lifeguard Headquarters  
SJ Hauck Housemovers, LLC

Account Number	Amount	Department Description
C-04-55-980-904	16,352.23-	Ordinance 04-2017
Total	16,352.23-	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
\_\_\_\_\_  
Chief Financial Officer**RESOLUTION #121-2018****AUTHORIZING CHANGE ORDER #1 (INCREASE)**  
**SIGMUND S. RIMM RECREATION COMPLEX TENNIS COURTS**

**WHEREAS**, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on November 2, 2018 authorized the awarding a contract to Shore Top Construction Corp., 207 Squankum Road, Farmingdale, NJ 07727, as per their proposal in an amount of \$181,803.00; and

**WHEREAS**, the City Engineer , Edward Walberg, has prepared a letter dated May 31, 2018 regarding increase in Change Order #1 that related to a change in contract due to as built quantities and repairs in the amount of \$28,699.68, resulting in a new contract total of \$210,502.68; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available under Capital Ordinance 2017-04 C04-55-980-904; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Shore Top Construction Corp., 207 Squankum Road, Farmingdale, NJ 07727: and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

- 1.Lisa McLaughlin, Chief Financial Officer
- 2.Edward Walberg, City Engineer
- 3.Shore Top Construction Corp., 207 Squankum Road, Farmingdale, NJ

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

Certification Of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 210,502.68  
Resolution Date: 06/07/18  
Resolution Number: 121-2018

Vendor: SHORE010 Shore Top Construction Corp.  
207 Squankum Road  
Farmingdale, NJ 07727

Contract: U1220000 Sigmund Rimm Complex Tennis  
Courts 5&6

Account Number	Amount	Department Description
C-04-55-980-904	28,699.68	Ordinance 04-2017
Total	28,699.68	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
Chief Financial OfficerRESOLUTION #122-2018A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE  
BOROUGH OF LONGPORT FOR ASSISTANCE IN THE FINANCE DEPARTMENT

**Whereas**, the City of Margate is in need of assistance in the Finance Department;

**Whereas**, Jenna Kelly, is a Certified Municipal Finance Officer and Qualified Purchasing Agent and is able to assist the Margate Finance office; and

**Whereas**, the City of Margate has requested this interlocal agreement begin April 19, 2018 through December 31, 2018 with the ability to extend month to month with consent from both parties; and

**Now, Therefore, Be It Resolved**, that the City of Margate shall compensate the Borough of Longport at the rate of \$75 per hour; and

**Be It Further Resolved**, Board of Commissioners of the City of Margate herein authorize to enter into an interlocal agreement with the Borough of Longport;

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #123-2018**

**Submit Submission of a Grant Application TA-2018-Margate-00011 and Execute a Grant Agreement with the New Jersey Department of Transportation for the Transportation Alternatives Program**

**WHEREAS**, the New Jersey Department of Transportation offers federal Transportation Alternatives Program (TAP) funding to projects that foster more livable communities and promote alternative modes of transportation such as biking and walking; and

**WHEREAS**, special consideration is given to communities that are Transit Villages, Urban Aid communities and municipalities that have adopted Complete Streets policies;

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require matching funds; and

**WHEREAS**, the City of Margate carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City of Margate wishes to apply for this grant to fund pedestrian safety improvements at the intersection of Washington Avenue and Ventnor Avenue and streetscape improvements along adjoining streets.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Margate formally supports this Transportation Alternatives Program application TA-2018-Margate - 00011.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation for the Transportation Alternatives Program on behalf of the City of Margate.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #124-2018**

**Resolution Approving the Submittal of a Grant Application and Execute a Grant Agreement with the United States Department of Transportation (USDOT) Better Utilizing Investments to Leverage Development Discretionary Grants Program**

**WHEREAS**, the United States Department of Transportation is accepting applications for the Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grants Program; and

**WHEREAS**, the Consolidated Appropriations Act, 2018 appropriated \$1.5 billion, available for obligation through September 30, 2020, for BUILD Transportation grants. Funds for the FY2018 BUILD Transportation program are to be awarded on a competitive basis for projects that will have a significant local or regional impact; and

**WHEREAS**, the City of Margate carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, BUILD applications will be evaluated based on the following merit criteria: safety, economic competitiveness, quality of life, environmental protection, state of good repair, innovation, partnership, and additional non-Federal revenue for infrastructure investments, and

**WHEREAS**, the City of Margate wishes to pursue a BUILD planning grant for Atlantic Avenue; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Margate formally approves that grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to an application to the United States Department of Transportation on behalf of the City of Margate.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

## ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION # 125-2018****A Resolution Authorizing the Grant Application and Execution of an Agreement for a Resilient NJ Grant**

**Whereas**, as part of the National Disaster Resilience Competition the United States Department of Housing and Urban Development (HUD) awarded New Jersey a grant to advance regional planning initiatives in the nine counties designated Most Impacted and Distressed from Hurricane Sandy by HUD; and

**Whereas**, this grant is being used to fund the Resilient NJ Program; and

**Whereas**, the New Jersey Department of Environmental Protection (DEP) will fund Regional Teams consisting of at least three contiguous municipalities to participate in a comprehensive planning process; and

**Whereas**, the process will result in the development of Regional Resilience and Adaptation Action Plans and in Regional Teams implementing selected actions from these plans; and

**Whereas**, the grant funds can be used for data gathering, studies, analysis, and preparation of plans. The funds cannot be used for creating engineering or architectural drawings in support of construction. However, these funds can be used to advance analysis for long-range planning and solutions; and

**Whereas**, the City of Margate wishes to apply for this grant in conjunction with contiguous municipalities to continue regional back bay protection planning by using such concepts as thin layer application, filling dredge holes, restoring wetlands areas, and similar techniques using dredge material; and

**Whereas**, the City of Ventnor has agreed to be the Prime for this grant and will be responsible for meeting the requirements of this grant; and

**Whereas**, said grant will help fund a priority project in the City of Margate.

**Now Therefore, be it Resolved** that the City of Margate authorizes that a grant application be submitted for a Resilient NJ grant; and

**Be It Further Resolved**, that the City of Margate is committed to participating in the Resilient NJ Planning Grant Program to undergo a comprehensive planning approach to identify and address vulnerabilities to increased flood risk, protection of environmental resources, and promotion of sustainable/smart growth development;

**Be It Further Resolved**, that the City of Margate will:

- Fulfill the requirements as a Regional Team member by:

1. Supporting the Regional Team Prime in their role as the single entity representing the region and who is responsible for coordinating the activities of each team member to complete the regional action plan;
2. Actively participating in Program meetings and activities;
3. Providing review and feedback on draft products and final deliverables; and
4. Submit to the Regional Team Prime timesheets, receipts, and other documents necessary to support requests for reimbursement when requested, on a monthly basis.

- Attendance at all meetings.
- Engage and participate in outreach efforts.
- Provide data and information as requested.
- Identify potential resilience projects and initiatives.
- Provide meeting support, space, and resources.

**Be It Further Resolved** that the governing body of the City of Margate authorizes the execution of a grant agreement and associated documents for the Resilient NJ Program.

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #126-2018**

**RESOLUTION AUTHORIZING AMENDMENT OF  
LEASE AGREEMENT WITH ATLANTIC COAST ALARM, INC.  
FOR PORTION OF 210 N. BENSON AVENUE**

**WHEREAS**, Atlantic Coast Alarm, Inc. and its predecessor company known as Cellular 24, Inc. have by written Lease commencing on February 1, 1987 as to Cellular 24, Inc. and written Lease commencing on February 1, 2005 as to Atlantic Coast Alarm, Inc. (hereinafter “Tenant”), used and occupied the building situate at 210 N. Benson Avenue, identified as Block 425, Lot 44 (hereinafter “building”), owned by the City of Margate City, (hereinafter “City”) said building having previously been used as a water pumping station; and

**WHEREAS**, the former building has been and continues to be utilized by Tenant to facilitate an alarm system both for the City and the community at large; and

**WHEREAS**, the City and Tenant desire to amend and clarify the current Lease arrangement by entering into an Amendment to Lease Agreement, a copy of which is attached hereto and made a part hereof, so as to specify a termination date of May 31, 2019 at an annual rent of \$12,600.00 payable \$1,050.00 on the first day of each month to the City; and



**WHEREAS**, the Governing Body has determined enter into and otherwise authorize the Amended Lease Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Margate City that it does hereby approve the proposed Amendment to Lease Agreement with Atlantic Coast Alarm, Inc. and that it does hereby authorize the Mayor to execute on behalf of the City of Margate City the Amended Lease Agreement, a copy of which is attached hereto and made a part hereof.

**BE IT FUTHER RESOLVED** that the certified copy of this Resolution and Amended Lease shall be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Atlantic Coast Alarm, Inc.

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**RESOLUTION #127-2018**

**RESOLUTION CONFIRMING ACCEPTANCE OF  
WORK AS COMPLETE  
LIFEGUARD HEADQUARTERS RAISING**

**WHEREAS**, the Commissioners of the City of Margate City, in the County of Atlantic and State of New Jersey previously adopted Resolution #52-2018 on February 15, 2018 which authorized the award of a contract to S. J. Hauck House Movers, LLC. in the amount of \$184,615.27 for the Lifeguard Headquarters Raising; and

**WHEREAS**, the City Engineer, Ed Walberg has advised that the work is complete; and

**WHEREAS**, the Governing Body desires to establish a date of acceptance of work as complete and to authorize the submission of a Maintenance Bond by the aforesaid contractor.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Margate City that it does hereby confirm and otherwise accept as complete the Lifeguard Headquarters Raising in the final contract amount of \$168,263.04; and

**BE IT FUTHER RESOLVED** that the contractor, S.J. Hauck House Movers, LLC is now hereby authorized to post a Maintenance Bond in said amount of \$168,263.04 which represents 100% of the total construction costs; said Bond to be in effect for a period of two years from the date of acceptance hereby established as of May 1, 2018; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the following:

1. Chief Financial Officer
2. City Engineer
3. S.J. Hauck House Movers, LLC

**ROLL CALL:**

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

**DECLARING CLOSED SESSION**

**JUNE 7, 2018**

Mayor Becker introduced and offered the following Resolution; seconded by Commissioner Amodeo:

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Margate, County of Atlantic as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:  
C1. Pending Litigation - 2 Sisters, LLC
3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the City of Margate and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person(s) in the same manner as any meeting minutes of the City of Margate.
4. This resolution shall take effect immediately.

Roll Call: Becker - Yes, Amodeo - Yes, Blumberg - Yes

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June 7, 2018

A motion to go into Executive Session to consult with the attorney to discuss pending litigation was put forth by Mayor Becker, seconded by Commissioner Amodeo with a vote of three affirmatives. The executive session began at 6:05 p.m. and ended at 6:25 p.m.

A motion to come out of Closed Session was put forth by Commissioner Amodeo, second by Commissioner Blumberg. A unanimous voice vote was taken.

A motion to reconvene was put forth by Commissioner Blumberg, second by Commissioner Amodeo. A unanimous voice vote was taken.

During the Closed Session, Scott Abbott and The Board of Commissioners discussed 2 Sisters, LLC vs. The Planning Board decision, the applicants, the City of Margate, as well as what does the applicant prove. The Governing Body has authorized Mr. Abbott to file an answer because we are being challenged on the ordinance amendment that was made. Mr. Abbott will look into issues, possible settlement parking issues which are being raised by this lawsuit and see if we can maybe come up with some constructive solutions possibly ending the litigation. Mr. Abbott will file an answer and will follow up to make sure everybody is in compliant with their parking requirements pursuant to their zoning approval.

**Adjournment:**

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Blumberg and seconded by Commissioner Amodeo to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 6:30 p.m.

Board of Commissioners of the City of Margate City, New Jersey

\_\_\_\_\_  
Mayor, Michael Becker

\_\_\_\_\_  
Commissioner John F. Amodeo

\_\_\_\_\_  
Commissioner Maury Blumberg

Attest: \_\_\_\_\_ Johanna Casey, Municipal Clerk