

**REGULAR MEETING MINUTES
CITY COMMISSION – MARGATE CITY**

JANUARY 21, 2021

MARGATE CITY, NEW JERSEY

THE ATLANTIC CITY PRESS AND THE STAR LEDGER 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 4:00 p.m. via telecommunication.

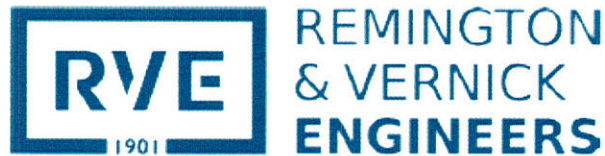
Mayor Becker: Wishes everyone a happy healthy new year.

Johanna Casey, City Clerk, reads the statement of compliance and the procedure for a telecommunication meeting, followed with the flag salute and roll call: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Fred Verna, Chief Dan Adams, Chief Matt Hankinson, Lisa McLaughlin, Ed Dennis, Johanna Casey, Scott Abbott and Rich Deaney were present. The minutes from the January 7, 2021 Regular Meeting, and Special Meetings of May 16, 2019, June 20, 2019, October 3, 2019 and December 5, 2019 were approved as read on motion by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote three ayes.

Discussion:

Mayor Becker: The discussion will be on the Atlantic Avenue Road Diet.

Ed Dennis: Reads the memo sent to city officials on the Atlantic Avenue Road Diet virtual presentations. The recommendation is to proceed with the road diet.



MEMORANDUM

TO: Richard Deaney, Administrator
COPY: Mayor and Commissioners
Johanna Casey, City Clerk
FROM: Edward Dennis Jr., City Engineer
DATE: January 19, 2021
RE: Atlantic Avenue Road Diet

On December 15, 2020 and December 16, 2020 we hosted virtual public presentations to provide information regarding the proposed Road Diet project on Atlantic Avenue. The two presentations were well-attended by members of the public and included an opportunity for the public to make comments and ask questions. Participants spoke for and against the project for various reasons.

The proposed Road Diet would reduce the existing four-lane roadway to a three-lane roadway consisting of two through lanes, one turn lane, and wider bicycle lanes. These changes would extend from Ventnor to Longport. The City has received a grant from the NJDOT in the amount of \$273,642 for this work. The total estimated cost of the project is approximately \$400,000. In general, a Road Diet offers high-value improvements at the relatively low cost of striping and signage.

The general benefits of a Road Diet project are well-documented by the NJDOT, the FHWA, and other transportation agencies. Benefits include crash reduction, reduced vehicle speed, improved mobility, and enhanced safety for all road users. The Ventnor/Margate Bicycle and Pedestrian Plan, completed in October 2016 by Urban Engineers, recommends a Road Diet for Atlantic Avenue.

As stated in the Traffic Analysis Methodology Report completed in September 2020 by our office, we recommend that the City of Margate move forward with the proposed Road Diet project on Atlantic Avenue. The traffic analysis completed for both future year 2025 and future year 2045 show the Road Diet will work for all users of the corridor and intersections. No significant degradation in operations is expected for vehicles, while the corridor will be more pedestrian and bicycle friendly.

Chief Hankinson: Reads the police department's recommendation to proceed with the Atlantic Avenue Road Diet.



MATTHEW A. HANKINSON
CHIEF OF POLICE

Margate City Police Department

111 North Decatur Avenue
Margate City, NJ 08402
(609) 822-1151
Fax (609) 823-8602



CAPTAIN RONALD S. KASHON
OPERATIONS DIVISION COMMANDER

January 18, 2021

Richard Deaney
Business Administrator
City of Margate
9001 Winchester Avenue
Margate City, NJ 08402

RE: Atlantic Avenue Road Diet

Mr. Deaney,

As you are aware, April 1, 2010, "Casey's Law," the most recent Pedestrian-Crosswalk Law, went into effect. This law was inspired by the tragic, fatal pedestrian- motor vehicle accident in Ocean City, NJ on July 17, 2009. On that day, 21 year old Casey Feldman was a pedestrian in a crosswalk governed by 4-way stop signs when she was struck and killed by a distracted driver. The tragic event was the catalyst for the law that mandates the driver of a motor vehicle stop and remain stopped to allow a pedestrian to cross the roadway within a marked crosswalk at an intersection and the driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any unmarked crosswalk at an intersection.

The adoption of this law, has created what this agency has determined to be a potentially unsafe situation, for both pedestrians and motor vehicles, utilizing Atlantic Avenue, due to the current four (4) travel lane configuration. More specifically, when a pedestrian traverses Atlantic Avenue, they make the assumption vehicles in all four (4) travel lanes will stop to allow the crossing, however, this is not always the case, as on (1) driver may stop to allow the pedestrian to cross, but a driver in any of the three (3) adjacent travel lanes may fail to do so, either striking the pedestrian or "trapping the pedestrian" on the roadway. Additionally, it has been observed drivers who are situated directly behind vehicles which are stopped to allow for a pedestrian crossing, more often than not pass the stopped vehicle on the right, seemingly unaware a pedestrian is crossing, making it extremely unsafe for the pedestrian. Unfortunately, this condition has been observed in increasing frequency, and no manner of enforcement or educational campaign seems to rectify this situation.

Although we have not experienced any fatal motor vehicle accidents on Atlantic Avenue, in the current configuration, we have many of the factors which have been shown contribute to fatal motor vehicle accidents. As noted in the Road Diet Study prepared by Remington and Vernick, the benefits of a Road Diet have been well documented by both the New Jersey Department of Transportation and Federal Highway Administration, they include crash and speed reduction, improved mobility and access and enhanced safety for pedestrians and bicyclist. The Federal Highway Administration has shown there is a 32% decrease in potential reduction in pedestrian crashes with the advent of just a "pedestrian refuge."



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OPERATIONS DIVISION COMMANDER

We have also seen exponential growth with the issue of distracted driving. The prominence of "smart" phones in the hands of many drivers is increasing the amount of distracted driving occurring on a daily basis. We have all been witness to the "close calls" happening while a driver is distracted by a cellphone.

The City of Margate has also seen an increase in both pedestrian and bicycle traffic in recent years. As a tourist destination, visitors come to enjoy the beach and businesses Margate has to offer. A Road Diet would give both pedestrians and motorists greater vision for any hazardous situations. As stated in the Traffic Study by Remington and Vernick Engineers, "Road Diets lead to greater safety by slowing down through movement and redistributing space."

As recently as January 13, 2021, there was a fatal pedestrian motor vehicle accident on Atlantic Avenue in Atlantic City. It was reported the pedestrian was in the crosswalk when the traffic signal for the opposite flow of traffic turned green and struck, killing the pedestrian in the crosswalk.

Accordingly, it is the recommendation of this agency the current four (4) travel lane configuration of Atlantic Avenue be revised and the City of Margate adopt a Road Diet to a two (2) lane with a center turn lane configuration. This configuration would not only enhance pedestrian safety and allow for a wider and safer bicycle lane, but it would also create a roadway which is more efficient to those drivers who utilize it daily.

If you have any questions, or require additional information, please feel free to contact me at your convenience.

Respectfully,

Matthew A. Hankinson
Chief of Police
City of Margate

MAH/mah
Cc: Mayor Micheal Becker
Commissioner John Amodeo
Commissioner Maury Blumberg

Commissioner Amodeo: Thanks the professionals who have provided the studies and reports. Based on the recommendations of the City Engineering and Police Chief he supports of the Atlantic Avenue Road Diet.

Commissioner Blumberg: Thanks all who were involved in the studies and presentations on the Atlantic Avenue Road Diet. Speaks on his concerns with the pedestrian cross walk law and crossing on corners without lights. Leaning towards the implementation of implementing the Atlantic Avenue Road Diet.

Mayor Becker: For the record a \$273,000 grant is available to accomplish the Atlantic Avenue Road Diet. Speaks on favoring the Atlantic Avenue Road Diet.

Public Comment on Atlantic Avenue Road Diet:

John Sewell, 22 West Drive: Speaks against the Atlantic Avenue Road Diet.

Amy Reale, 8009 Monmouth Ave.: Speaks against the Atlantic Avenue Road Diet and changes are made to suite summer residents not year round residents.

Vaughn Reale, 6 N. Mansfield Ave.: Speaks on the Atlantic Avenue Road Diet. Requests answers to questions concerning the Atlantic Avenue Road Diet.

Mayor Becker: Someone will get back to Mr. Reale in response to the questions he asked.

Joe Campanili, 8805 Monmouth Avenue: Speaks in favor of the Atlantic Avenue Road Diet.

Mayor Becker: Will get back to Mr. Campanili with answer to completion date of road diet.

Seeing that there were no additional comments, a motion to close Public Comments on the Atlantic Avenue Road Diet was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote of three ayes.

Public Comment:

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

Public Comment on Resolutions:

Seeing that there were no comments, a motion to close Public Comments on the Resolutions for adoption was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote of three ayes.

Commissioner Amodeo: Seeks to have a resolution done to proceed with the Atlantic Avenue Road Diet.

Commissioner Blumberg: Speaks on the Atlantic Avenue Road Diet needing to be done for safety reasons.

Ed Dennis: This will be a Capital Project, so a resolution authorizing bids will be the next step.

Ordinances: Introduction-None**Ordinances: Public/Adoption-None****Resolutions:**

A motion to adopt **Resolution #13-2021**, authorizing payment of claims, was put forth by Commissioner Blumberg, Seconded by Commissioner Amodeo, with a vote of three ayes.

**RESOLUTION #13-2021
MARGATE CITY BILL LIST / PAYROLL
JANUARY 21, 2021**

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey are in receipt of the semimonthly claims submitted by the Chief Financial Officer for payment:

<u>BILLS LIST AMOUNT:</u>	\$5,433,448.17
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<u>PREVIOUSLY PAID:</u>	\$ 39,399.64
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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.

A motion to adopt **Resolution #14-2021**, authorizing a temporary budget, was put forth by Commissioner Blumberg, Seconded by Commissioner Amodeo, with a vote of two ayes. Mayor Becker abstained from vote.

**RESOLUTION #14 -2021
AUTHORIZED PAYMENT - COLMAR HOME CENTER**

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey are in receipt of the monthly claim as submitted by the Chief Financial Officer for payment as follows:

<u>COLMAR HOME CENTER</u>	\$257.79
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NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the City of Margate City does hereby approve the Margate City Bill for Colmar Home Center, attached hereto be paid in full.

Consent Agenda

A motion to adopt the Consent Agenda for **Resolution #15-2021 thru Resolution #25-2021**, was put forth by Commissioner Blumberg, Second by Commissioner Amodeo, with a vote of three ayes.

**R E S O L U T I O N #15-2021
AUTHORIZING CHANGE ORDER #1 (REDUCTION)
FY 2019 CDBG BEACH BULKHEAD ACCESS
ARGYLE AVENUE**

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey authorized Resolution #150-2020 on August 6, 2020 awarding a contract to R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210 as per their proposal for FY2019 CDBG Beach Bulkhead Access Argyle Avenue, in an amount of \$36,500.00; and

WHEREAS, City Engineer, Ed Dennis, of Remington & Vernick Engineers has prepared a letter dated January 6, 2021 regarding a reduction in Change Order #1 that relates to reduction cost for final as-built quantities in the amount of \$600.00, resulting in a new contract total of \$35,900.00.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey does hereby approve Change Order # 1 to the contract with R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210.

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

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Dennis, City Engineer
3. R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210

**RESOLUTION #16-2021
AUTHORIZING AN EXTENSION OF CONTRACT TO
BARKER, GELFAND, JAMES AND SARVAS, P.C.
TO PROVIDE EMPLOYMENT LAW SERVICES**

WHEREAS, the Board of Commissioner of the City of Margate City, County of Atlantic, State of New Jersey authorized Resolution #24-2020 on January 2, 2020 to Barker, Gelfand, James and Sarvas, P.C., 210 New Road, Suite 12, Linwood, NJ 08221 as per their proposal for Employment Law Services in the amount not to exceed \$19,800.00; and

WHEREAS, The City of Margate City has the need to increase the contract of Barker, Gelfand, James and Sarvas, P.C., 210 New Road, Suite 12, Linwood, NJ 08221 for additional consulting hours totaling \$4,200.00, the amount not to exceed \$24,000.00; and

WHEREAS, the Chief Financial Officer has certified to the City Commissioners that there are sufficient funds available for in the following account: Legal – Labor 1-01-20-155-256 in the amount of \$24,000.00.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City that the contract with Barker, Gelfand, James and Sarvas, P.C. be increased to \$24,000.00.

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward a certified copy of this resolution to the following:

1. Barker, Gelfand, James and Sarvas, P.C., 210 New Road, Suite 12, Linwood, NJ 08221
2. Lisa McLaughlin, Chief Financial Officer

CERTIFICATION OF AVAILABILITY OF FUNDS

Pursuant to 40A:4-57, I, Lisa McLaughlin, Chief Financial Officer of the City of Margate, County of Atlantic, do hereby certify that the below listed funds are available.

Contract:

Provide, Review, and Present Recommendations on Employment Law
Related Issues

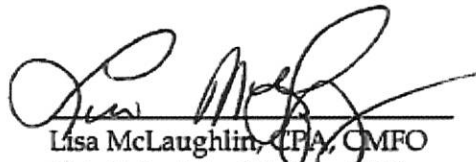
Vendor:

Barker, Gelfand, James and Sarvas, P.C.

Contract Amount: \$4,200.00
Resolution Date: 1/21/2021
Resolution #: 16-2021

Source of Funds:

Legal – Labor 0-01-20-155-256 \$4,200.00



Lisa McLaughlin, CPA, CMFO
Chief Municipal Finance Officer
Margate City, New Jersey

1/21/21

Date

RESOLUTION #17-2021
AUTHORIZING THE EXECUTION OF SERVICE AGREEMENT
WITH LINCOLN FINANCIAL GROUP TO PROVIDE ADDITIONAL PLAN
OFFERINGS WITHIN THE CITY'S DEFERRED COMPENSATION PROGRAM

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey previously established a Deferred Compensation program (hereinafter "Program") for City employees as part of its efforts to attract and retain qualified employees; and

WHEREAS, because the Program (1) serves the interests of the City by enabling it to work with employees to develop enhanced retirement planning with its employees at no additional cost to the taxpayer, and (2) the accrual of tax benefits to eligible employees through their participation in a Deferred Compensation plan or plans within the Program established pursuant to Section 457 of the Internal Revenue Service code serves these objectives, the City seeks to provide additional Deferred Compensation Plan ("Plan") offerings to enhance the Program; and

WHEREAS, the City has solicited proposals from two or more vendors, including Lincoln Financial Group (hereinafter "Lincoln"), whose Plan identifier is 92-PD-Lincoln-121316 and Nationwide whose Plan identifier is 86-PD-NATIONWIDE FRONTLINE-070212R for the administration of the investment of funds under a Deferred Compensation Plan and Service Agreement including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation programs Rules set forth at N.J.A.C 5:37; both of which vendors responded to the request for proposals; and

WHEREAS, the City's administration has reviewed Lincoln's and Nationwide's respective proposals, conferred with Lincoln and Nationwide representatives, and recommends that the Board of Commissioners of the City of Margate select Lincoln as additional provider within the Program because they have the proven ability to provide a high level of service, offer diverse features and flexibility of investment options for Plan participants; and

WHEREAS, there is no cost to the City to adopt and implement Lincoln's proposed Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey, as follows:

1. The above recitals are incorporated as though set forth at length herein.
2. Pursuant to N.J.A.C. 5:37-5.2, for purposes of enhancing the City's Deferred Compensation Program, the Board of Commissioners hereby adopts the following additional Deferred Compensation Plan:

Deferred Compensation Plan offered by Lincoln Financial Group bearing Service Agreement identifier 92-SA-LINCOLN-121316 assigned by the New Jersey department of Community Affairs, Division of Local Government Services.

3. Pursuant to N.J.A.C. 5:37-3.5, the City is adopting the above referenced Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the ruling of another employer is not to be considered precedent.
4. Pursuant to N.J.A.C. 5:37-5.4, the City's Chief Financial Officer is hereby designed as the Local Plan Administrator for the administration of said Plans.

5. Pursuant to N.J.A.C. 5:37-5.7, there has been no collusion, or evidence or appearance of collusion, between any local official and any representatives of the vendors in selection of vendors for the administration of a Service Agreement.
6. The Chief Financial Officer for the City of Margate City is hereby authorized to execute said Service Agreement with Lincoln Financial Group bearing Service Agreement Identifier 92-SA-LINCOLN-121316.
7. The City Clerk of the City of Margate is authorized and directed to submit this Resolution and all other necessary documents to the Director of Local Government Services within the State Department of Community Affairs for approval in connection with this resolution.
8. This Resolution shall take effect August 1, 2020.

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

3. Lisa McLaughlin, Chief Financial Officer

**RESOLUTION #18-2021
AUTHORIZING APPOINTMENT OF
PUBLIC AGENCY COMPLIANCE OFFICER
RICHARD DEANEY**

WHEREAS, The Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey have determined it necessary to designate a Public Agency Compliance Officer; and

WHEREAS, pursuant to N.J.A.C. 17:27-3.2 a municipality is required to submit the name of the designated Public Agency Compliance Officer by January 10th of each year; and

WHEREAS, Business Administrator Richard Deaney, who serves as Personnel Officer for the City of Margate City, is qualified to be Public Agency Compliance Officer.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic and State of New Jersey that Richard Deaney is hereby appointed to serve as the designated Public Agency Compliance Officer for the City of Margate City for a one year term of January 1, 2021 and ending December 31, 2021.

**RESOLUTION #19-2021
AUTHORIZING AN EXTENSION OF 2020 CONTRACT TO
CIOETA CONSULTING, LLC
TO PROVIDE HUMAN RESOURCES SERVICES**

WHEREAS, the City of Margate City, in the County of Atlantic, State of New Jersey has a need for a Human Resources Professional; and

WHEREAS, a contract was awarded to Cioeta Consulting, LLC on January 2, 2020 and was modified on October 15, 2020 for a total 2020 amount not to exceed \$52,300; and

WHEREAS, because a \$1,365.00 carryover charge for services paid January 16, 2020 requires an accounting adjustment, the Chief Financial Officer has requested a further contract modification authorization bringing the authorized not to exceed 2020 contract amount to \$53,665; and

WHEREAS, the Chief Financial Officer has certified to the City Commissioners that there are sufficient funds available for in the following account: Financial Admin – Professional Fees 0-01-20-135-301 in the amount of \$1,365.00.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City that the contract with Cioeta Consulting, LLC for 2020 be increased to an amount not to exceed \$53,665.

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward a certified copy of this resolution to the following:

- 1. Cioeta Consulting, LLC
- 2. Lisa McLaughlin, CFO

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: 53,665.00
Resolution Date: 01/14/21
Resolution Number: 19-2021

Vendor: CIOETACO Cioeta Consulting, LLC
808 Seacliff Road
Ocean City, NJ 082264730

Contract: C2000010 2020 HR Professional

Account Number	Amount	Department Description
0-01-20-135-301	1,365.00	FINANCIAL ADMINISTRATION
Total	1,365.00	

Only amounts for the 2021 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


Chief Financial Officer

RESOLUTION #20-2021
AUTHORIZING THE TAX ASSESSOR TO FILE PETITIONS

WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors, in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax lists for the tax year; and

WHEREAS, the Commissioners of the Taxing District of Margate City, in the County of Atlantic, State of New Jersey is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not correct, the taxpayers affected would not be paying their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current tax year with the Atlantic County Board of Taxation; and

WHEREAS, the error was not caused by the taxpayer.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Taxing District of Margate City that the Tax Assessor is hereby authorized to act as the agent for the Taxing District and file a Petition of Appeal or Appeals for the tax year 2021 with the Atlantic County Board of Taxation to correct such errors and assessments to the correct value; and

THAT a copy of any Petition of Appeal filed with the Atlantic County Board of Taxation under this Resolution be filed with the Municipal Clerk; and

THAT a certified copy of this Resolution be forwarded to the Atlantic County Board of Taxation with any such Petition of Appeal.

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

- 1. Atlantic County Board of Taxation
- 2. Lisa McLaughlin, Chief Financial Officer
- 3. James Manghan, Tax Assessor

RESOLUTION #21-2021
AUTHORIZE PAYMENT FOR A MAXIMUM OF FIVE SICK DAYS UNDER CERTAIN CONDITIONS FOR CERTAIN EMPLOYEES

WHEREAS, the major labor contracts in the City of Margate City have provisions providing terms and conditions for contributing unused sick days to a sick bank or selling back unused sick days; and

WHEREAS, New Jersey law provides that municipalities operating under the “Civil Service” regulations must provide 15 days of sick leave each year to full time employees and that those days are cumulative; and

WHEREAS, it is deemed efficient and in the public interest to encourage maximum attendance, maximum productivity, and to discourage misuse of the mandatory paid sick leave benefit.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate, Atlantic County, State of New Jersey that all full time employees not otherwise covered by a labor agreement be allowed by December 1, 2021 to elect to sell back up to five days sick leave at their 2021 regular hourly rate of pay providing that they shall at the time of request have a minimum of 75 accumulated sick days credited to them. Pay for these sell back days shall be made by January 31, 2022.

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

- 1. Lisa McLaughlin, Chief Financial Officer
- 2. Colleen Dorsey, Payroll Department

RESOLUTION #22-2021
AUTHORIZING AMENDING EMPLOYEE HANDBOOK/POLICIES & PROCEDURES TO ADOPT NEW POLICY AND PROCEDURES

WHEREAS, The City of Margate, County of Atlantic, State of New Jersey has Policies and Procedures and a Seasonal Employee Handbook that are issued on Power DMS (Document Management System); and

WHEREAS, The Board of Commissioners has determined that there is a need to adopt a new policy in accordance with the Atlantic County Municipal Joint Insurance Fund (ACMJIF) and the Municipal Excess Liability Joint Insurance Fund (MEL) 2020-2021 Plan of Risk Management; and

WHEREAS, the new policy is as follows:

<u>Policy No.</u>	<u>Title</u>
106	Alcohol and Drug Free Workplace Policy
211	Employee Assistance Policy

WHEREAS, this personnel policy and procedures have been reviewed by Labor Attorney Vanessa James, Esquire, and Business Administrator Richard Deaney.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate that the listed policy and procedures attached hereto are hereby adopted and will be issued to employees via Power DMS; and

BE IT FURTHER RESOLVED that this personnel policy and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event that there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policy and procedure shall prevail.

BE IT FURTHER RESOLVED that this personnel policy and procedures are intended to provide guidelines covering public service by City employees and do not represent a contract. This policy and procedures may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as “employment at will.”

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 1: Policies Relating to Employee Rights & Obligations

POLICY NO.: 106

OF PAGES: 20

SUBJECT: ALCOHOL AND DRUG-FREE WORKPLACE POLICY

EFFECTIVE DATE: January 21, 2021

REVIEW DATE: January 21, 2021

REPLACES DRUG & ALCOHOL POLICY DATED: 2018

The City of Margate recognizes that the possession and/or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. To that end, the City is issuing this new policy that reflects the most up-to-date and legally-compliant information and requirements.

This policy has several sections which can be located on the following pages:

Section Title	Pages
Your Role and Responsibilities	2 - 3
Whom Do We Test?	3
Safety-Sensitive Classifications	4
How Do We Test	4 - 5
What If You Test Positive?	5
What If You Fail to Follow Safety Guidelines?	5
What About Impairing Effect Medications or Substances?	5 - 6
What If an Adulterant is Found?	6
What If I Refuse?	6
Drug Educational Information	6
What If You Have a Substance Abuse Problem?	6 - 7
What About a Last Chance Opportunity?	7

Section Title	Pages
Why and When Do We Test?	7 - 8
Policy Prohibitions	8 - 10
How Can You Help?	10
Drug Educational Information	11 - 14
Substance Abuse Professionals	15
Employee Assistance Program	15
Alcohol and Drug-Free Workplace Policy NJ Non-DOT Notice to All Employees and Applicants	16
Active Employee Certificate of Receipt (DFW01)	17
Pre-Employment Substance Testing Consent and Release Form (DFW02)	19
Acknowledgement of Consequences of Refusal to Participate in Drug Testing (DFW03)	20

NOTE: All applicants for positions that require a Commercial Driver's License (CDL) and all employees whose job requires them to possess a CDL shall be excluded from this Alcohol and Drug-Free Workplace Policy. Instead, these employees are governed by Federal and State regulations, as well as the City's CDL Drug and Alcohol Testing Policy No. 121. Employees hired with the understanding that they must obtain a CDL will be covered under this Alcohol and Drug-Free Workplace Policy No. 106 until they obtain their CDL's.

Your Roles and Responsibilities

Drug-Free Workplace

The City of Margate is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs and/or alcohol. This is considered a Health & Safety Policy of the City. This Policy highlights the City's New Jersey Drug-Free Workplace Policy. The City's Designated Employer Representative (DER) is Kelle Amodeo, HR/Admin. Assistant. The Alternate Designated Employer Representatives (Alternate DER) is Bob Gilmour, Public Works Supervisor.

The City recognizes the prime importance to the City of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors, and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the City has no intention of intruding into the private lives of its employees, the City does expect employees to report to work unimpaired and able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity, and

workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone's substance abuse. Ultimately, an employee with an alcohol or drug problem may lose their job and/or suffer devastating effects on their health. The City has a duty to safeguard our employees and the public from the risk of harm from employees who work under the influence of alcohol and/or drugs. Similarly, employees who are working under the influence, and employees who know that a co-worker is working under the influence, owe such a duty. The failure to honor that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol and/or drugs when carrying out work for the City. Managers and Supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol and/or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

To the extent that this Policy supplements, and does not conflict with current collective bargaining agreements (CBA's), it is applicable. However, to the extent that this policy may conflict with a current CBA, the CBA shall prevail.

All testing information is considered confidential information by the City and will be maintained in a separate file along with the employee's medical records, separate from other Personnel Files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those City employees with a job-related need to know, the DER and the Alternate DER, to defend against any administrative action brought by the employee against the City, in grievance or arbitration proceeding under the terms of a CBA, in a court of law under subpoena, as released by the employee in writing, the Medical Review Officer (MRO), City insurers, rehabilitation programs, and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs and/or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to our Employee Assistance Program (EAP) (see the City's Employee Assistance Program Policy No. 211) Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment, if necessary. Notice of the City's New Jersey Drug-Free Workplace testing will be posted on the City's Document Management System (Power DMS).

The City's program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs and/or alcohol, this program will make your workplace safer and more productive, the City safer, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment, except to the extent that this policy may conflict with a current CBA, in which case the CBA shall prevail. The City has developed this Drug-Free Workplace Policy in compliance with New Jersey Laws, and the Fourth Amendment to the US Constitution as it covers employees of governmental entities. Applicant testing is already in effect, post offer of employment and before the first day of employment. This policy is effective 1/1/2021 and, until that date, the current Drug and Alcohol Policy remains in effect.

Whom Do We Test?

All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed (see the City's CDL Drug and Alcohol Testing Policy No. 121); and all other employees where reasonable suspicion exists. Elected Officials, who are not otherwise classified as employees, are not subject to testing under this Policy.

Safety-Sensitive Classifications

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Factors which have been considered in determining whether a position is safety-sensitive including handling of potentially-dangerous machinery, sharp objects, working at heights, positions requiring a high level of cognitive function, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety-sensitive include firefighters, EMT's, law enforcement officers who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, forklift operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and those involved in security functions. All Department of Transportation (DOT) regulated employees are determined to be safety-sensitive by those regulations. Unless an employee comes under drug testing regulations of some federal agency, each position, job classification or department, should be individually evaluated to determine whether the employee is safety-sensitive in accordance with the above guidelines.

How Do We Test?

Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs and/or alcohol in his or her system and in conformity with regulations of the New Jersey Department of Health. Specimens subject to testing include: urine, breath, hair, oral fluids, or blood. Specimen collections, chain of custody, and drug and alcohol tests will be in substantial compliance with the US Department of Transportation (DOT) procedures, if applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two (2) highly sophisticated scientific tests including adulterant detection, and they are reported to an independent certified Medical Review Officer (MRO) prior to being released to the City.

Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender. The MRO may recommend the collection of an alternate specimen (e.g. oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified lab, and that the test results were valid. The City provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program for those whose physical condition prevents them from producing a urine specimen suitable for testing. You may contact the DER, if you wish to make an accommodation request.

In accordance with the City policy, a test result reported by the lab as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting; and a second negative dilute urine test will render an applicant ineligible for hire; and current employees, where a negative test is required, not currently fit for duty. FDA-approved on-site screening devices may be utilized with all initial positive results confirmed by lab testing.

All positive initial tests are confirmed by GC/MS at established DOT cut-off levels. An alcohol content of 0.04 or higher using a DOT-approved alcohol screening device, or breath alcohol device, is classified as a positive test. The drugs tested for may include all or some of the following:

1. Amphetamines
2. Cannabinoids
3. Cocaine
4. Phencyclidine (PCP)
5. Opioids, designer drugs, or a metabolite of any of the above substances and mind-altering synthetic narcotics or designer drugs, or impairing effect medications or substances, taken by employees working in a safety-sensitive classified position, in order the for employer to fulfill its duty to provide a safe place to work as a safety rule.

The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

WHAT IF YOU TEST POSITIVE?

The Medical Review Officer (MRO) will contact you confidentially to give you an opportunity to discuss your results before reporting them to the City as a verified positive. You may discuss the result with the MRO up to 72 hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or employee may request that their split specimen be tested at a second lab. Under Federal regulations, the MRO has the discretionary authority to notify the City that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the City if the employee is taking an impairing-effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the City's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits NJSA subsection 34:15-7 if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer who then tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe-working practices. Failure to wear a seatbelt, failure to use City-provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of City policy.

WHAT ABOUT IMPAIRING-EFFECT MEDICATIONS OR SUBSTANCES?

Any employee working in a safety-sensitive position as defined by City policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing-effect prescription, including medical marijuana, over-the-counter medications, mind-altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This includes medical and recreational Marijuana, the use of which, for safety reasons, the City will not be able to accommodate employees working in safety-sensitive positions. However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have 'statutory anti-discrimination against the use of medical marijuana laws, qualifying employees and applications may request a reasonable accommodation by contacting the DER, and such request will be

considered. If the fact that the employee is 'taking or using an impairing-effect medication or substance' is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing-effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the City reserves the right to send the employee for a Fitness-For-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The employee need not disclose to the City the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from Personnel Files and in a confidential manner. The MRO, or another medical professional selected by the City, will make the final determination on the safety-related risks of any particular medication or substance.

WHAT IF AN ADULTERANT IS FOUND?

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if you attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. NJSA subsection 2C:36-10. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

WHAT IF I REFUSE?

A refusal to provide a specimen for testing, unless the MRO agrees a medically-valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer of employment to be withdrawn and will subject an employee to immediate termination for cause. Under NJ law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time (two [2] hours max) of being directed to do so is also classified as a refusal under this City Policy.

DRUG EDUCATIONAL INFORMATION

Attached to this Policy is educational information to assist you in recognizing the impairing effects of drug use. The City will conduct employee substance abuse education and awareness, and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance-abusing employees to the Employee Assistance Program (EAP).

WHAT IF YOU HAVE A SUBSTANCE ABUSE PROBLEM?

The City will provide support for employees who need support and help with alcohol or drug dependency via the confidential EAP, the Substance Abuse Professional (SAP who is on staff with the City's EAP), or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g. if the employee is working in a safety-critical role) while the individual is receiving treatment. However, the fact that an employee is seeking or undergoing treatment will not be a defense to a charge of willful misconduct if

the employee reports for work under the influence of alcohol or drugs. This Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through the City's EAP/SAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report.

Employees who admit to alcohol misuse or controlled substance use are not subject to the referral, evaluation and treatment requirements of this policy, provided that:

1. The admission is in accordance with this policy.
2. The employee does not self-identify in order to avoid testing under the requirements of this policy.
3. The employee makes the admission of alcohol misuse or controlled substance use prior to performing a safety-sensitive function (i.e. prior to reporting for duty); and
4. The employee does not perform a safety-sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with these self-identification guidelines.

For confidential help with a substance abuse problem, contact the City's Designated Employer Representative (DER) Kelle Amodeo at 608-822-822-0424, or stop by the Personnel Office in the Municipal Building, or the EAP/SAP. Their contact information is located in the Employee Assistance Program (EAP) Policy No. 211, which is available on Power DMS. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP and may also be available under the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The City will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. Substance Abuse Resources in NJ and nationwide is a part of this Policy.

WHAT ABOUT A LAST CHANCE OPPORTUNITY?

No last chance opportunity is available to a probationary, part-time or temporary employee; likewise, not in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Employees who receive an EAP/SAP evaluation favorable for rehabilitation may be offered a Last Chance Agreement which will subject the employee to unannounced follow-up testing for up to a length of time that is recommended by the EAP/SAP and decided on by management, together with other educational and counseling requirements as recommended by the EAP/SAP. A negative Return-To-Work test is required by the employee to be placed back on active duty. A positive test, refusal or failure to comply with any term of the Last Chance Agreement during this follow-up period will subject the employee to immediate termination.

WHY AND WHEN DO WE TEST?

- Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive position, or who transfer into a safety-sensitive position, as a condition of their employment.
- Routine Fitness-For-Duty: Employees in safety-sensitive positions may be required to submit to a drug test as part of a routine Fitness-For-Duty examination.
- Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the City has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affects or could adversely affect the employee's job performance. Employees selected for testing shall

be suspended until a negative drug/alcohol screen or lab test result is received. If a negative test result, the employee will not suffer a loss of pay.

- Post-Accident/Incident Testing: Testing of an employee in a safety-sensitive position may be conducted under any of the following circumstances:
 1. The employee involved in the accident/incident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage;
 2. The employee was operating, controlling or repairing any machinery, tool, device, equipment or vehicle that was involved in the accident/incident; or
 3. The employee's action or inaction was likely a contributing factor to the accident/incident or cannot be completely discounted as a contributing factor based on current info; or
 4. Testing is being conducted as part of the City's Post-Accident/Incident Investigation related to possible Workers' Compensation Disqualification; or
 5. Testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the accident/incident as part of a root cause investigation; or
 6. Post-accident drug testing is required by the Workers' Compensation Carrier or Fund.
- Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees. Non-DOT safety-sensitive employees may be included in a Non-DOT testing "pool." In Margate, DOT-regulated employees are only be placed in the DOT testing "pool."
- Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

POLICY PROHIBITIONS

Employees, applicants and contractors for the City are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on City premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
 - a. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.

- b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on City premises or property, including City-owned or leased vehicles, or vehicles used for City purposes.
 - c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
 - d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the City will refer such matters to the appropriate police authority.
 - e. A conviction or a plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify the City in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the City's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the-job drug offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the City and other factors related to the impact of the employee's conviction on the City.
 - f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
 - g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
 - h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by the City or its designee, is a violation of this Policy and may result in disciplinary action up to and including termination. A refusal to test includes obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
 - i. Failure to advise pre-duty the City of the use of a prescription or over-the-counter drug which may alter the employee's ability to perform safely the essential functions of his or her job.
 - j. Failure of an employee to notify their Supervisor before reporting to work if they believe that they are under the influence of drugs.
 - k. We strictly prohibit employees from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. We will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.
2. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on City premises or property:

- a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on City premises or property, including City-owned or leased vehicles, or vehicles used for City purposes.
- b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
- c. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All employees must notify the City in writing of any criminal alcohol conviction not later than five (5) calendar days after such conviction. Alcohol use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the City's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the-job alcohol offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the City, and other factors related to the impact of the employee's conviction on the City.
- d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
- e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by the City or its designee, is a violation of this Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
- f. Failure of employee to notify their Supervisor before reporting to work if they believe that they are under the influence of alcohol.

HOW CAN YOU HELP?

- I. If you are doing drugs – STOP!
- II. If you need help – ASK!
- III. If you know someone at work who is doing drugs – TAKE ACTION!
- IV. Don't let someone else's drug or alcohol problem be the cause of an ON-THE-JOB INJURY!

Only with your help can we truly have a safe, pleasant and productive environment at the City.

City of Margate City
Municipal Building
9001 Winchester Avenue
Margate, NJ 08402

Phone: 609-822-0432
Fax: 609-822-5136

Drug Educational Information
Alcohol (Depressant)

Common Forms:	Beer, wine, hard liquor
How Used:	Oral ingestion, patterns of use vary.
Desired Effect:	People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.
Time in body:	Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is affected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.
Observable effects:	Staggering gait Slurred speech Odor of alcoholic beverage Shaky hands Poor eye-hand coordination Slowed reaction time Eyes react slowly to light - wears sun glasses
Work behavior:	Arrive late, leave early, mis-outs Neglect of physical appearance Restlessness Tremors (hands, face, fingers, lips tongue) Slurred speech Uninhibited - makes inappropriate remarks
Material Indicators:	Empty liquor bottles, cans, often in paper bags Flasks, sometimes disguised as other things
Slang Terms	Booze, juice, hooch, grape, eye-opener, half-of-the-dog, brew, nuds, etc

Amphetamines (Amphetamine and Methamphetamine)
Stimulant

Common forms:	Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.
How used:	Orally, sniffed up the nose, or injected.
Desired effects:	Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.
Time in body:	Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about 1/2 hour. Single doses detectable for about 48 hours.

Observable effects:	Dilated pupils. Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen: person engages in repetitive tasks or maniaisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.
Work behavior:	Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.
Material Indicators:	Pills, capsules, white powder, granular crystals Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections
Slang terms:	Defics, bennies, speed, crank, ice, crystal, white crosses, black beauties

Cocaine - A Stimulant

Common forms:	Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"
How used:	Cocaine—usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" - freebase cocaine—is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.
Desired effect:	Most commonly sought after effects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.
Time in Body:	Single doses detectable for 12-24 hours
Observable effects:	Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness
Work issues:	Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems—barrons, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep
Material Indicators:	Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.
Slang terms:	Coke, snow, too, crack, blow, happy dust, "C"

Marijuana

Common forms:	Dried green-brown flowers and leaves of the hemp (<i>cannabis</i>) plant—also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).
How used:	Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.
Desired effects:	Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.
Time in body:	Marijuana dissolves in body fat cells and is detectable for extended periods of time—up to seven (7) days for occasional users and four (4) weeks or longer for chronic users.
Observable effects:	Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria—as laughing out of context. Getting "hung up" - i.e. going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.
Work issues:	Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-oups. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users—persistent cough, fatigue, frequent sickness.
Material indicators:	Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roachies" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.
Slang terms:	Dope, grass, reefer, weed, ganja, pot, etc.

Opioids (Morphine and Codeine)—Narcotic Depressants

Common forms:	Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric."
	Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid, and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.
How used:	Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.
Desired effects:	Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.
Time in body:	Single doses are usually detectable for 48-72 hours.

Observable effects:	Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"—the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.
Work issues:	Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).
Material indicators:	Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or propylastics used to hold drug. Bloody tissue papers, blood on shirt sleeves.
Slang terms:	Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

Phencyclidine (PCP)

Common forms:	Pills, liquid, powder, and PCP cigarettes
How used:	Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.
Desired effects:	Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).
Time in body:	Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.
Observable effects:	Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).
High doses:	Come-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.
Work issues:	Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.
Material indicators:	Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.
Slang terms:	PCP, angel dust, hog, dust, DOA, shermans, shermas, peace pills, dummy, etc.

Substance Abuse Professionals**NATIONAL RESOURCES**

AZZ Alcohol & Drug Abuse-Addiction..... 1-800-274-2042
Al-Anon/Alateen Family Group Headquarters..... 1-800-356-9996
Alcoholics Anonymous World Service..... 1-212-870-3400
American Council on Alcoholism Helpline..... 1-800-527-5344
800 Cocaine--An Information and Referral Hotline..... 1-800-262-2463
Nar-Anon Family Group Headquarters..... 1-310-547-5800
Narcotics Anonymous..... 1-818-773-9999
National Association of Alcoholism (NAADAC)..... 1-800-348-0497
www.naadac.org Fax:..... 1-800-377-1136
National Association of Addiction Treatment Professionals..... 1-717-581-1901
www.naatp.org
National Council on Alcoholism and Drug Dependence, Inc..... 1-212-269-7797
www.ncadd.org
Hope Line (24-hour affiliate referral)..... 1-800-NCA-CALL
Center for Substance Abuse Prevention's Workplace Hotline..... 1-800-WORKPLACE
National Clearinghouse for Alcohol & Drug Information..... 1-800-729-6686
Center for Substance Abuse Prevention's Drug Information,
Treatment & referral Hotline..... 1-800-662-HELP
(Spanish-Espanol)..... 1-800-66-AYUDA

EMPLOYEE ASSISTANCE PROGRAM

Seaside Serenity Counseling, LLC
13 East Woodland Avenue
P.O. Box 634
Absecon, NJ 08201
24-Hour Hotline: 609-961-1827

**CITY OF MARGATE
ALCOHOL AND DRUG-FREE WORKPLACE POLICY
New Jersey Non-DOT**

Notice to All Employees and Applicants

The municipality of Margate City is committed to maintaining a safe, pleasant and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This Notice highlights the City's New Jersey Drug-Free Workplace Policy No. 106. The City's Designated Employer Representative (DER) is HR/Amin. Asst. Kelle Amodeo, and the Alternative DER is Public Works Supervisor Bob Gilmour.

The City recognizes the prime importance to the City of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the effects of substance abuse. While the City has no intention of intruding into the private lives of its employees, or preventing them from taking the medicine that they may need to stay safe and healthy, the City does expect employees to report to work unimpaired, able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Coworkers may feel that they have to cover up, or work harder because of someone's alcohol or drug use. Ultimately, an employee with an alcohol or drug problem may lose their job and/or suffer devastating effects on their health. The City has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who know that a fellow employee is working under the influence owe a similar duty. The duty to honor that duty by taking the right steps to prevent this risk can result in legal liability.

To the extent this Policy supplements, and does not conflict with current Collective Bargaining Agreements, it is applicable.

Notice of the City's New Jersey Non-DOT Drug and Alcohol testing will be provided on vacancy announcements and will be posted in conspicuous locations on City premises.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the City safer, and will help your friends and coworkers get the help they need. Compliance with this policy is a condition of your hire or continued employment. The City has developed its drug-free workplace policy in compliance with New Jersey Laws, and the Fourth Amendment to the US Constitution as it covers employees of governmental entities. Applicant testing is already in place post-employment-offer and pre-start-date. Reasonable suspicion testing is already in place. Employees required to maintain a Commercial Driver's License (CDL) are subject to random alcohol and controlled substance testing as required law; this is all detailed in the City's CDL Drug and Alcohol Testing Policy No. 121.

The City of Margate

CITY OF MARGATE
Active Employee Certificate of Receipt
(DFW01)

I do hereby certify that I have received and read the New Jersey Drug-Free Workplace Policy, which explains the City's adherence to New Jersey Laws. I have had the terms and conditions of the City's Drug and Alcohol Testing policy explained to me relative to screening or tests by the City for the purpose of determining the presence of, and content of, any or all of the following substances under circumstances as set forth in the City's Policy:

- Amphetamines
- Phencyclidine (PCP)
- Cannabinoids
- Cocaine
- Opioids

Testing may also include a metabolite of any of the above substances and mind-altering synthetic narcotics or designer drugs. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State law.

I understand that any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, and/or forfeit eligibility for Worker's Compensation Benefits (NJSA subsection 34:15-7) if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation Benefits.

CONSEQUENCES OF POSITIVE DRUG OR ALCOHOL TEST OR REFUSAL TO TAKE THE TEST:

1. Classified as a positive test or refusal to test
2. Discharge from employment
3. Possible disqualification from Worker's Compensation Benefits
4. Possible disqualification from Unemployment Compensation Benefits

I also understand that it is not the purpose of this test to identify any disability I may have and that all activities will be conducted in accordance with ADA regulations.

I also understand that the City and/or its Designated Representative will collect specimens for testing for the purpose of determining the presence of, and content of, drug and alcohol substances, as well as to obtain results from any alcohol or drug test administered post-accident by law enforcement and release of the results of said tests to the City, its DER's (Designated Employer Representative or Alternate DER), to the City's Medical Review Officer (MRO), and as set forth in the Policy.

Employee Printed Name: _____

Employee Signature: _____ Date: _____

Witness Printed Name: _____ Witness Signature: _____

This form is to be signed by employee and witness, and filed in employee's Personnel File.

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CITY OF MARGATE
Pre-Employment Substance Testing
Consent and Release Form (DFW02)

I do hereby certify that I have been given notice of the City's Pre-employment Substance Abuse Testing Policy; that I have been provided with access to a copy of the City's NJ Drug-Free Workplace Policy and have been made a conditional offer of employment. I hereby freely and voluntarily consent to submit to tests as shall be determined by the City in the selection process of final applicants for employment, for the purpose of determining the presence of, and content of, any or all of the following substances:

- Amphetamines
- Cannabinoids
- Opioids
- Phencyclidine (PCP)
- Cocaine

Testing may also include a metabolite of any of the above substances and mind-altering synthetic narcotics or designer drugs. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

I agree that the employer representative, collection site, physician, or clinic may collect these specimens for screening or testing and may screen them or forward them to a testing laboratory for analysis.

I further agree to and hereby authorize the release of the results of said tests to the City, its DER's (Designated Employer Representative or Alternate DER), and to the City's Medical Review Officer (MRO) and its agents as provided in the Policy.

I understand that a negative test is a pre-condition of employment with the City and that refusal to submit to testing, or a positive test result will result in the rejection of my application, or the rescinding of a conditional offer of employment. I also understand that it is not the purpose of this screen or test to identify any disability that I may have, and that pre-employment screening and testing activities are conducted in compliance with ADA requirements.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original and shall continue while my application is being considered and during any post-consideration proceedings. I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant Print Name: _____

Applicant Signature: _____ Date: _____

Witness Printed Name: _____ Witness Signature: _____

ACKNOWLEDGEMENT OF CONSEQUENCES OF REFUSAL
TO PARTICIPATE IN DRUG AND ALCOHOL TESTING
(DFW03)

I, _____, an employee of the City of Margate, acknowledge that I am refusing to report for Drug and Alcohol testing in accordance with the requirements of the City of Margate's NJ Drug-Free Workplace Policy. I am aware that I am in violation of the Policy. I am aware that I am subject to certain adverse consequences as a result of my choice.

REFUSAL CONSEQUENCES:

- 1. Classified as a refusal to test
- 2. Possible Discharge from employment
- 3. Possible Disqualification from Worker's Compensation Benefits
- 4. Possible Disqualification from Unemployment Compensation Benefits

I have read this Acknowledgement of Consequences of Refusal to Participate in Drug and Alcohol Testing and understand it.

_____ Employee Signature	_____ Date
_____ Witness Signature	_____ Witness Address (city, state, zip)

If employee refuses to sign, please have two (2) witnesses sign below:

_____ Witness #1 Signature	_____ Witness #2 Signature
_____ Witness #1 Address (city, state, zip)	_____ Witness #2 Address (city, state, zip)

CITY OF MARGATE
Employee Handbook/Policy and Procedure Manual

SECTION 2: Workplace Policies

POLICY NO.: 211

OF PAGES: 1

SUBJECT: EMPLOYEE ASSISTANCE POLICY

EFFECTIVE DATE: January 1, 2021

REVIEW DATE: January 21, 2021

REPLACES POLICY DATED: 2018

The City offers an Employee Assistance Program (EAP) benefit for full-time and part-time employees and their eligible dependents, which consists of four (4) free professional counseling visits per employee or eligible dependents. The EAP provides assessment, referral, and short-term counseling for employees and/or their eligible dependents who need or request it. If treatment must continue longer than four (4) visits, or if an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; the costs of such outside services are the responsibility of the employee.

Effective 1/1/2021, Seaside Serenity Counseling, LLC, is the City's Employee Assistance Program (EAP) provider. Their contact information is as follows:

Seaside Serenity Counseling, LLC
P. O. Box 634
Absecon, NJ 08202
Phone: 609-961-1827 (24 hours a day)
Fax: 609-569-1510

Personal difficulties, such as marital, family, emotional, psychological, interpersonal, medical, financial, legal, and substance abuse can adversely affect an employee's job performance. Employees experiencing these or similar problems are encouraged to seek confidential assistance from the EAP.

Supervisors, Managers and Department Heads should also be alert to detect employee problems and should not wait to be approached before discussing work performance issues. Examples include, but are not limited to: excessive absenteeism, changes in behavior, changes in attitudes, substandard job performance. If Supervisors, Managers, Department Heads are not sure what they are dealing with, they should contact the Personnel Officer or designee to discuss the matter; or they can also contact the EAP directly for consultation.

Supervisors, Managers and Department Heads are encouraged to give out the Seaside Serenity Counseling business cards, which have their 24-hour phone number. Making the EAP cards, posters and flyers available in various workplaces is also a good idea so that employees can help themselves to the information.

Communication between employees, any member of supervision/management, the Personnel Officer or designee, and the professional counselor are to be kept strictly confidential. The EAP is also available to provide periodic employee training on subjects such as stress, nutrition, depression, etc.

RESOLUTION #23-2021

NAMING QUALIFIED ENGINEERING FIRMS AS A SHARED SERVICE WITH THE CITY OF VENTNOR

WHEREAS, the City of Ventnor City and the City of Margate City have in place a shared service agreement for engineering services; and

WHEREAS, the City of Ventnor City has received proposals from engineering firms for engineering services on an as needed basis; and

WHEREAS, after evaluation the City of Ventnor City has selected nine engineering firms to form a pool of engineers from whom proposals will be solicited on a project by project basis; and

WHEREAS, it is the intent of the City of Margate City to continue shared engineering services with Ventnor City by sharing the aforementioned pool of engineers from whom proposals will be accepted on a project for project basis; and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City that these nine engineering firms; Doran Engineering, 840 North Main Street Pleasantville NJ 08232, Arthur Chew Consulting, 130 West Seaview Ave. Linwood, NJ 08221, Dixon Associates, 335 East Jimmie Leeds Road, Galloway, NJ 08205, Polistina Associates LLC, 6684 Washington Avenue Egg Harbor Township NJ 08234, DeBlasio & Associates, 4701 New Jersey Avenue, Wildwood, NJ 08260, Marathon Engineering, 1616 Pacific Avenue, Suite 501, Atlantic City, NJ 08401, Remington and Vernick Engineers, 845 North Main Street Pleasantville NJ 08232, Maser Consulting PA, 500 Scarborough Drive Suite 108 Egg Harbor Township NJ 08243 and CME Associates, 821 N. Main Street, Pleasantville, NJ 08232, are designated as qualified engineers based on their proposals as submitted to the City of Ventnor City and approved by the Ventnor Board of Commissioners after an analysis of the proposals by the Ventnor City Engineer; and

BE IT FURTHER RESOLVED that it is the intent of the governing body to seek competitive proposals from some or all of these firms for projects requiring engineering services during calendar year 2021.

**RESOLUTION # 24-2021
AUTHORIZING THE AWARD OF CONTRACT
TO PROVIDE 2021 JANITORIAL SERVICE**

WHEREAS, on November 5, 2020, the Board of Commissioners of the City of Margate approved Resolution #199-2020 authorizing the receipt of bids to provide 2021 Janitorial Service for Municipal Facilities; and

WHEREAS, Resolution #262-2020 rejected all bids and authorized the re-advertisement for the receipt of bids for 2021 Janitorial Service for Municipal Facilities; and

WHEREAS, the City Clerk did duly re-advertise the receipt of said bids for 2021 Janitorial Service for Municipal Facilities in the Press of Atlantic City on January 6, 2021; and

WHEREAS, in connection therewith the following four (4) bids were received by the City Clerk and Purchasing Agent of the City of Margate on January 19, 2021:

Abel's Cleaning Agency, 421 S. Nectar Ave., Galloway, NJ 08205	\$65,562.97
Best Property Maintenance, 5063 Fernwood Ave. Egg Harbor Twp. NJ 08234	\$61,973.00
CNS Cleaning Company, 501 Cambria Ave., Bensalem, PA 19020	\$114,280.00
ACB Services, 37 School House Road Cream Ridge, NJ 08514	\$182,260.00

; and

WHEREAS, the City Purchasing Agent, Roger McLarnon, submitted his letter dated January 19, 2021, that a contract be awarded to Abel's Cleaning Agency, 421 S. Nectar Ave., Galloway, NJ 08205 as per their proposal to provide 2021 Janitorial Service for Municipal Facilities in an amount \$65,562.97; and.

WHEREAS, Abel's Cleaning Agency is the lowest bid responsive and responsible bidder for this service; and

WHEREAS, the Chief Financial Officer has certified to the Board of Commissioners that there are adequate funds available for the purpose of this award in the following account: Buildings and Grounds - Janitorial 1-01-26-310-283.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the City of Margate, County of Atlantic, State of New Jersey that it does hereby award a contract to Abel's Cleaning Agency, 421 S. Nectar Ave., Galloway, NJ 08205 in an amount not to exceed \$65,562.97 as per their proposal to provide February 1, 2021 thru December 31, 2021 Janitorial Service for Municipal Facilities.

BE IT FURTHER RESOLVED that the award of contract is conditioned upon the delivery and execution thereof within ten (10) days from the date of the within resolution accompanied by such appropriate insurance certificate, affirmative action certificate and performance bond as may be required by the specifications.

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

1. Frank Ricciotti, Superintendent of Public Works
2. Lisa McLaughlin, Chief Financial Officer
3. Abel's Cleaning Agency, 421 S. Nectar Ave. Galloway, NJ 08205

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: 65,562.97
Resolution Date: 01/21/21
Resolution Number: 24-2021

Vendor: ABELSLLC Abel's Cleaning Agency, LLC
421 South Nectar Avenue
Galloway, NJ 08205

Contract: C2100022 2021 Janitorial Services for
Minicipal Facilities

Account Number	Amount	Department Description
1-01-26-310-283	65,562.97	BUILDINGS & GROUNDS
Total	65,562.97	

Only amounts for the 2021 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

**RESOLUTION #25-2021
RESOLUTION CONFIRMING ACCEPTANCE OF
WORK AS COMPLETE
FY 2019 CDBG BEACH BULKHEAD ACCESS**

WHEREAS, the Commissioners of the City of Margate City, in the County of Atlantic and State of New Jersey previously adopted Resolution #150-2020 on August 6, 2020 which authorized the award of a contract to R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210, as per their bid proposal in an amount of \$36,500.00 for the FY 2019 CDBG Beach Bulkhead Access; and

WHEREAS, the City Engineer, Ed Dennis has advised in a letter dated January 19, 2021 that the work is completed; 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, in the County of Atlantic, State of New Jersey that it does hereby confirm and otherwise accept as complete the FY 2019 CDBG Beach Bulkhead Access in the final contract amount of \$35,900.00.

BE IT FUTHER RESOLVED that the contractor, R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210 is now hereby authorized to post a Maintenance Bond in said amount of \$35,900.00 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 January 4, 202.

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

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Dennis, City Engineer
3. R.A. Walters & Son, Inc., 18 Hoffman Drive, Cape May Court House, NJ 08210

Updates:

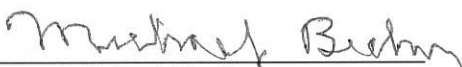
Fred Verna: Verizon Wireless has shut down their communication point of service on the Benson Avenue Water Tower due to the water tank's interior painting project.

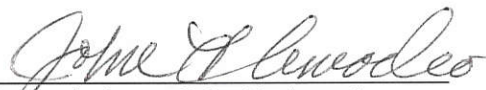
Ed Dennis: Will reach out to Verizon to see how long the anticipated outage will be for residents.

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 4:17 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