

REGULAR MEETING MINUTES CITY COMMISSION – MARGATE CITY

JUNE 17, 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 4:10 p.m. via telecommunication and in person at Margate City Hall, 1 South Washington Avenue, Margate, NJ.

Johanna Casey, City Clerk: Reads the statement of compliance and the procedure for in person and telecommunication meeting, followed with the flag salute and roll call is taken: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Fred Verna, Scott Abbott, Johanna Casey, and Rich Deaney were present.

Fire Department O'Hara-McCormick Scholarship:

Brian Duffy, Representative of Margate Fire Department: Announces the winners of this year's O'Hara-McCormick Scholarship.

Approval of Minutes:

The minutes from the June 3, 2021 Workshop Meeting and Regular Meeting were approved as read on motion by Commissioner Amodeo, seconded by Mayor Becker, with a vote three ayes.

Public Comment:

Hugh Giordano, 57 Argyle Ave., Blackwood, NJ: As a representative of the United Food Service Workers Union he is requesting Ordinances #08-2021 and #09-2021 be tabled so the Commission may consider the amount of jobs the selling of cannabis will create.

Edward Lefty Grimes, Unknown: Representative of a 501C3, who is advocating for the cannabis rights of disabled veterans. Speaks on the legality of Ordinances #08-2021 and #09-2021.

Sylvia Barbosa, 116 N. Harding Ave.: Speaks on the demolition project on the corner of Benson Avenue and Monmouth Avenue regarding the buffer fence to be put up.

Christine Madison, 116 N. Harding Ave.: Speaks on the lack of correspondence and response received regarding the demolition of the public works building and the fence to be put up.

Steve Worner, 103 N. Sumner Ave.: States he is in support of not having marijuana in Margate.

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

Public Comment on Resolutions and Ordinances Adoption:

A motion to close public comment on Resolutions and Ordinance Adoption was put forth by Commissioner Amodeo and seconded by Mayor Becker, with a vote of three ayes.

Ordinances: Introduction: none

Ordinances: Public/Adoption:

Johanna Casey: Ordinance #08-2021 is read by title only.

A motion to adopt **Ordinance #08-2021**, prohibiting the operation of any class of cannabis business within Margate City boundaries, was put forth by Mayor Becker, Seconded by Commissioner Amodeo, with a vote of three ayes.

ORDINANCE #08-2021

**AN ORDINANCE BY CITY OF MARGATE CITY IN ATLANTIC COUNTY
NEW JERSEY ESTABLISHING NEW CHAPTER 105 OF
THE CITY OF MARGATE CITY CODE PROHIBITING THE OPERATION OF ANY
CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”, cannabis distributors or cannabis delivery services) allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Board of Commissioners of the City of Margate City has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the City of Margate City in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of City of Margate City's residents and members of the public who visit, travel, or conduct business in the City of Margate City, to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the City of Margate City; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. The Code of the City of Margate City is hereby amended to add new Chapter 105, Cannabis.

Section 105-1 Cannabis Establishments - shall be added as follows:

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all classes of cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021 c. 16, are hereby prohibited from operating anywhere in the City of Margate City, except for the delivery of cannabis items and related supplies by a delivery service.

Section 105-2 – Violations and Penalties, shall be added as follows:

Any person adjudged guilty of the violation of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00 or be imprisoned for a term not exceeding 90 days, or both, at the discretion of the Municipal Judge of the City of Margate City.

3. Any article, section, paragraph, subsection, clause, or other provision of the City of Margate City Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of Margate City, NJ

Johanna Casey: Ordinance #09-2021 is read by title only.

A motion to adopt **Ordinance #09-2021**, establishing Chapter 105 “Prohibiting consumption of cannabis, marijuana and hashish in public areas” in the Margate City Code Book, was put forth by Commissioner Amodeo, Seconded by Mayor Becker, with a vote of three ayes.

ORDINANCE #09 – 2021
AN ORDINANCE ESTABLISHING CHAPTER 105
“PROHIBITING CONSUMPTION OF CANNABIS,
MARIJUANA, AND HASHISH IN PUBLIC AREAS” IN THE
CITY OF THE CODE OF THE CITY OF MARGATE CITY,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY

WHEREAS, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and marijuana decriminalization laws; and

WHEREAS, the new law legalizes and regulates cannabis use and possession for adults who are 21 and older and two companion laws, A1897 and S3454, decriminalizing marijuana and hashish possession and clarifies marijuana and cannabis use and possession penalties for individuals younger than 21 years old; and

WHEREAS, the new law does not preempt the City’s authority to regulate smoking or vaping these items in public; and

WHEREAS, the City retains authority pursuant to N.J.S.A. 40:48-2 to make, amend, repeal and enforce such ordinances, regulations, or rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Commissioners of the City of Margate City having reviewed the matter deems it in the City’s best interests to regulate the use and smoking of marijuana in public areas.

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

SECTION 1. The following shall be added to Chapter 105, Cannabis:

Section 105-3 – Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish.

§ 105-3 A- City Policy

The purpose of this Chapter is to regulate conduct in public areas affecting the public health, safety and general welfare by protecting residents of and visitors to the City of Margate City from the nuisance and health hazards of secondhand marijuana smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of smoking marijuana around non-marijuana users; by protecting the public from nonconsensual exposure to secondhand marijuana smoke and marijuana related litter and pollution; and, by affirming the family-friendly atmosphere of public areas in the City of Margate City.

§105-3 B – Definitions

MARIJUANA – “Marijuana” means all parts of the Cannabis plant, whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, resin, or oil. For purposes of this section, any reference to “Marijuana” shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated Marijuana and Hashish.

OPEN SPACE – Means any nature areas, greenbelts, and wildlife and vegetation habitat areas open to the public.

OUTDOOR DINING AREAS – Means dining areas that are not enclosed and part of a restaurant, business, nonprofit entity, place of employment, and located in any public place.

PARKS - Means any public parks owned, leased, or utilized by the City of Margate City.

PUBLIC RIGHT OF WAY - Means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City of Margate City has an interest.

RECREATION AREA - Means any areas open to the general public for recreational purposes, regardless of any fee requirement, including, but not limited to public parks, beach and ocean beach areas, children's play areas, sports fields, playgrounds, tennis and basketball courts, and senior center outdoor areas.

PROMENADE – Means the elevated public pedestrian walkway constructed over the municipal right-of-way.

SCHEDULED PUBLIC EVENTS – Means any scheduled event within the City of Margate City where the public is invited, some of which may require a permit, including, but not limited to, farmers markets, concerts, parades or festivals.

SMOKING – Means the burning of, inhaling from, exhaling the smoke from or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.

SMOKING DEVICE – Means any electronic or other device that can be used to deliver cannabis, marijuana, or hashish or other related substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or other device used to consume these products. This definition includes “vaping” the above-described products.

§105-3 C – Restriction on Public Consumption of Cannabis, Marijuana and Hashish.

It is unlawful for any person to smoke or otherwise use or consume marijuana in or on any public open space, outdoor dining area, parks, public right-of-way, recreation area, promenade, or the area of any scheduled public event.

§105-3 D – Posting Signs.

A sign shall be clearly, sufficiently and conspicuously posted in public areas. The sign(s) shall state “Smoking Marijuana in Public is Prohibited” or substantially similar language, written in lettering that is not less than ¾ inches in height, and shall contain the citation of this City Code Section.

§105-3 E – Enforcement.

The Margate City Police Department is hereby charged with the enforcement of this section. All members of the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

§105-3 F – Penalties.

Any person who is found guilty of violating this section shall pay fines as follows:

- a. For a first offense, a fine of not less than \$100.00 nor more than \$250.00
- b. For a second or subsequent offense, a fine of not less than \$500.00 nor more than \$1,000.00.

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

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

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

Johanna Casey: Ordinance #10-2021 is read by title only.

A motion to adopt **Ordinance #10-2021**, amending Chapter 240 Stormwater Management, was put forth by Mayor Becker, Seconded by Commissioner Amodeo, with a vote of three ayes.

Ordinance #10-2021

AN ORDINANCE AMENDING CHAPTER 240 STORMWATER MANAGEMENT

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

Margate City Code Chapter 240 STORMWATER MANAGEMENT shall be amended as follows:

§ 240-1. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined in § 240-2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Margate

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 240-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this

Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

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

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge- enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” - The City of Margate

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this ordinance. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this ordinance. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this ordinance, provided the design engineer demonstrates to the municipality, in accordance with § 240-4F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this ordinance.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works.

“Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or

floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 240-3. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. The stormwater management requirements within this ordinance, as they relate to “major development,” supersede other design requirements stipulated in Chapter 175, the Land Use Ordinance of the City Code, including but not limited to the following sections:
 - 1. Article III, Application Requirements and Development Procedures.
 - 2. Article IV, Development Requirements and Standards.

§ 240-4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 240-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 240-4P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 240-4O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 240-4O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of § 240-4O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 240-4D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 240-4O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 240- 4O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Managemen t Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwate r Runoff Quantity	Groundwate r Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

Smal l-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small- Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A
Blue Roof	0	Yes	No	N/A
Extended Detention	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 240-4O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at § 240-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 240-2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 240-4B. Alternative stormwater management measures may be used to satisfy the requirements at § 240-4O only if the measures meet the definition of green infrastructure at § 240-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 240-4O.2 are subject to the contributory drainage area limitation specified at § 240-4O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 240-4O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 240-4D is granted from § 240-4O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 240-8C;
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 240-8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 240-2 may be used only under the circumstances described at § 240-4O.4.
- K. Any application for a new agricultural development that meets the definition of major development at § 240-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 240-4O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Atlantic County Clerk's Office. A form of deed notice shall be submitted to the City of Margate for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 240-10B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the City of Margate. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Atlantic County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 240-4M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards
1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 2. To satisfy the groundwater recharge and stormwater runoff quality standards at § 240-4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with § 240-4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at § 240-4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 240-4G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 240-4D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 240-4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right- of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 240-4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 240-4D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 240-5, either:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to § 240-4P4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 240-4P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post- construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 240-5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 240-5. Calculation of Stormwater Runoff and Groundwater Recharge:

- A. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986,

incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 240-5A.1.i and the Rational and Modified Rational Methods at § 240-5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420
Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 240-6. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's

website at: https://www.njstormwater.org/maintenance_guidance.htm.

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

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

§ 240-7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under § 240-4F above, or alternative designs in accordance with § 240-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 240-7A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in § 240-7A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one- inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 240-8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 240-8C.1, § 240-8C.2, and § 240-8C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 240-8C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 240-8E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration

§ 240-9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 240-9C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 240-9C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the

Planning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater

Plan The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 240-3 through § 240-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 240-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 240-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 240-9 C.1 through § 240-9C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 240-10. Maintenance and Repair:

A. Applicability

Projects subject to review as in § 240-IC of this ordinance shall comply with the requirements of § 240-10B and § 240-10C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the

responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under § 240-10B.3 above is not a public agency, the maintenance plan and any future revisions based on § 240- 10B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under § 240-10B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 240-10B.6 and §B.7 above.
 8. The requirements of § 240-10B.3 and § 240-10B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 240-11. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance or found to be in violation of the provisions of this ordinance shall be subject to the following penalties: a fine not to

exceed \$1,000 or imprisonment for a term not to exceed 90 days, or both such fine and imprisonment.

§ 240-12. Severability:

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

§ 240-13. Effective Date:

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

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

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



OFFICE OF THE ZONING OFFICER
City of Margate City
Municipal Building
9001 Winchester Avenue
Margate City, New Jersey 08402
McLarnon_roger@margate-nj.com

Memorandum

June 1, 2021

To: Administrator Richard Deaney

Cc: Mayor and Commissioners

From: Roger D. McLarnon, PE, PP, CME, CFM, CPWM; Zoning Officer, and Planner

Ref: Storm Water Management Ordinance revisions

The City of Margate’s Stormwater Ordinance is based on a template or “model ordinance” provided by the New Jersey Department of Environmental Protection and the substantial changes are highlighted below.

The New Jersey Department of Environmental Protection (NJDEP) has revised and published new stormwater regulations that will affect land development practices within the State. The revisions require the use of decentralized green infrastructure practices and provide a more objective review process for projects. All municipalities in the State are required to update its stormwater ordinances to reflect and to comply with the new NJDEP rules and regulations.

A major difference is that prior regulations required the use of non-structural stormwater management strategies to “the maximum extent practicable.” The new rules eliminate that term and clearly define the standards to be used for design compliance.

Secondly, a component to the new rule is the change in permitted stormwater modeling criteria. Infiltration of captured stormwater through best management practices (BMP’s) will now be permitted in engineering calculations. This change will result in smaller stormwater BMP’s which will maximize the developable area on a site.

Beyond the use of green infrastructure and the impact of receiving credit for stormwater infiltration, the rules introduce additional changes that will impact development. Guidance is provided on both small and large scale BMPs. New tables clarify the applicability of different BMPs when used to meet the requirements for groundwater recharge, water quality, and quantity standards. Additional engineering calculation methods relevant to green stormwater infrastructure design are also incorporated into the new rules.

The City of Margate will not likely feel the impact of the changes as “Major Development” will likely not occur in Margate due to 100% of Margate is developed and the size of development is limited.

(609) 822-5438 • Fax: (609) 487-1142 • Roger McLarnon, PE, CME, PP - Zoning Officer, Planner

Resolutions:

A motion to adopt **Resolution #128-2021**, authorizing the payment of claims, was put forth by Mayor Becker, Seconded by Commissioner Amodeo, with a vote of three ayes.

RESOLUTION #128-2021
MARGATE CITY BILL LIST / PAYROLL
June 17, 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>	\$1,444,670.35
<u>PREVIOUSLY PAID:</u>	\$ 15,078.26

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.

June 14, 2021
11:59 AM

City 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: N
Other: Y
Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
20-01471	11/12/20	FREDMSCH Fred M. Schiavone	Amherst Ave Promenade	Open	125,292.50	0.00	C
		Contract No: U1590000					
21-00004	01/09/21	SUASIO05 Suasion Communications Group	Monthly communications	Open	2,526.99	0.00	C
		Contract No: C2000025					
21-00014	01/09/21	LONNIE LEONA THOMAS	Retirement payment per MCO	Open	1,000.00	0.00	B
21-00027	01/12/21	COMCAST COMCAST	2021 INTERNET ACCESS	Open	2,064.17	0.00	B
21-00028	02/01/21	DELTADEN DELTA DENTAL PLAN OF NJ	Employee Dental - 2021	Open	10,725.20	0.00	C
		Contract No: C2000018					
21-00029	01/12/21	ATLAN005 Atlanticare Physician Group PA	MEDICAL SURVEILLANCE	Open	540.00	0.00	C
		Contract No: C2000026					
21-00030	01/12/21	VCOMM V-COMM, LLC	Telecomm consulting services	Open	2,053.75	0.00	C
		Contract No: C2000027					
21-00034	01/12/21	RUTALA James Rutala Associates, LLC.	2021 Planning and Grant Asst	Open	1,462.50	0.00	C
		Contract No: C2100005					
21-00035	01/12/21	JPM JERSEY PROFESSIONAL MANAGEMENT	2021 Acting Admin & Management	Open	5,605.00	0.00	C
		Contract No: C2100007					
21-00036	01/12/21	BARKER Barker, Gelfand,	2021 Employment Law Services	Open	405.00	0.00	C
		Contract No: C2100008					
21-00045	01/12/21	ROVILLAR HANK ROVILLARD, ESQ., LLC	2021 Special Tax Counsel	Open	2,754.00	0.00	C
		Contract No: C2100016					
21-00074	01/13/21	CASA CASA PAYROLL SERVICE	2021 Payroll Service	Open	638.05	0.00	B
21-00085	01/13/21	CHAD STO Chad Stocking	retirement payment per MCEA	Open	1,000.00	0.00	B
21-00090	01/14/21	J CINCOT Joseph Cincotta	2021 LG Pension	Open	535.76	0.00	
21-00091	01/14/21	JGALLAGH JAMES GALLAGHER	2021 LG Pension	Open	247.15	0.00	
21-00092	01/14/21	JOHN SLA John Slattery, III	2021 LG Pension	Open	157.72	0.00	
21-00093	01/14/21	KING GEORGE KING	2021 LG Pension	Open	384.13	0.00	
21-00094	01/14/21	MICHAEL MICHAEL CINCOTTA	2021 LG Pension	Open	765.86	0.00	
21-00096	01/14/21	MICHAELB Michael Baylinson	2021 LG Pension	Open	532.64	0.00	
21-00098	01/14/21	RICHKUGE RICHARD H. KUGEL	2021 LG Pension	Open	1,959.75	0.00	
21-00099	01/14/21	SMALLWOOD CARL SMALLWOOD	2021 LG Pension	Open	536.62	0.00	
21-00103	01/15/21	WB MASON W.B. MASON CO., INC.	PW Supplies	Open	40.23	0.00	
21-00125	01/20/21	WB MASON W.B. MASON CO., INC.	Building Supplies	Open	369.14	0.00	
21-00130	01/20/21	ACELECTR ATLANTIC CITY ELECTRIC	General Electric Bills	Open	10,490.65	0.00	
21-00131	01/20/21	ACELECTR ATLANTIC CITY ELECTRIC	Water/Sewer Electric Bills	Open	7,342.54	0.00	
21-00132	01/20/21	ACELECTR ATLANTIC CITY ELECTRIC	Street Light Electric Bills	Open	574.17	0.00	
21-00133	01/20/21	ACELECTR ATLANTIC CITY ELECTRIC	Temp Electric Bills	Open	197.77	0.00	
21-00140	01/21/21	SJ GAS1 South Jersey Gas Company	Gas bills	Open	746.83	0.00	
21-00180	01/21/21	CONSTELL Constellation New Energy, Inc.	Constellation Energy	Open	5,339.81	0.00	
21-00200	01/22/21	SCHAE005 Schaefer Fireworks, Inc.	Deposit 25% for 2021 Fireworks	Open	7,875.00	0.00	
21-00204	01/25/21	AFFIN005 AFFINITY LAND SERVICES, LLC	Refund Q4 2020 Tax Overpayment	Open	1,772.03	0.00	
21-00224	01/25/21	SCHWAAB SCHWAAB, INC	OFFICE STAMPS	Open	129.94	0.00	
21-00271	02/01/21	VERIZON1 Verizon Wireless	Air Cards-Police Vehilces	Open	200.20	0.00	B
21-00272	02/01/21	VERIZON1 Verizon Wireless	cellular service	Open	970.84	0.00	B
21-00273	02/01/21	VERIZ010 Verizon Connect NWF, Inc.	GPS service public works	Open	418.00	0.00	B
21-00274	02/01/21	ATXTELEC Broadview Networks	telephone service	Open	4,103.01	0.00	B
21-00275	02/01/21	NJDHSS NJ DEPT HEALTH & SENIOR SVCS	DOG LICENSE REPORT	Open	43.20	0.00	
21-00276	02/01/21	G MEDOFF Geraldine D. Medoff	Tai Chi & Chair Yoga	Open	320.00	0.00	
21-00317	02/10/21	CASA 2 CASA REPORTING SERVICES LLC	2020 YEAR END CHARGES	Open	282.75	0.00	
21-00342	01/01/21	HORIZON3 Horizon Healthcare	2021 FSA admin fees	Open	30.00	0.00	B

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
21-00343	02/18/21	FERIOZZI L FERIOZZI CONCRETE COMPANY Contract No: U1450000	Safe Streets to transit	Open	100,381.01	0.00	c
21-00345	01/05/21	FRYES Frye's Auto Repair	Vehicles Repairs & Maintenance	Open	2,652.50	0.00	
21-00350	02/02/21	ACTION U ACTION UNIFORM CO. LLC	UNIFORMS AND EQUIPMENT	Open	409.00	0.00	
21-00362	02/01/21	JOHNTOLA John J Toland III	2021 Lifeguard Pension payment	Open	678.88	0.00	
21-00375	02/24/21	M JEWITT Margaret Jewitt	Exercise Instructor	Open	280.00	0.00	
21-00398	03/03/21	SAMS Sam's Club	Supplies	Open	233.10	0.00	
21-00400	03/03/21	WB MASON W.B. MASON CO., INC.	Office Supplies	Open	56.02	0.00	
21-00401	03/03/21	STAPLCRE Staples Business Credit	OFFICE SUPPLIES	Open	53.94	0.00	
21-00402	03/03/21	GROUPE L Groupe Lacasse, LLC	2 cabinets & shelving	Open	5,547.10	0.00	
21-00433	03/10/21	ACPRESS PRESS OF ATLANTIC CITY	CITY NOTICES	Open	114.00	0.00	
21-00436	03/10/21	STAPLCRE Staples Business Credit	Office Supplies	Open	65.99	0.00	
21-00443	02/26/21	TACTICAL TACTICAL PUBLIC SAFETY LLC	Portable Radio Repair - FD	Open	435.42	0.00	
21-00468	03/18/21	SHEPPARD Sheppard Bus Service	NYC Bus Trip - December 4,2021	Open	200.00	0.00	
21-00471	03/19/21	RUTGERS RUTGERS UNIVERSITY	Public Works Conference	Open	262.00	0.00	
21-00472	03/19/21	RUTGERS RUTGERS UNIVERSITY	PW Conference - Power	Open	262.00	0.00	
21-00507	03/29/21	GROUPE L Groupe Lacasse, LLC	office furniture -police dept	Open	13,300.95	0.00	
21-00596	04/21/21	ACREVFEN City of Atlantic City	City elevator inspections	Open	258.00	0.00	
21-00643	04/15/21	VERALPH V.E. RALPH & SON, INC.	Fire Department EMS Supplies	Open	1,299.32	0.00	
21-00645	04/27/21	LUCKY Lucky Dog Custom Apparel	2021 Beach Patrol Uniforms	Open	3,748.75	0.00	
21-00659	04/30/21	WB MASON W.B. MASON CO., INC.	Municipal Bld Office Supplies	Open	120.84	0.00	
21-00667	04/27/21	WITMER Witmer Public Safety Group Inc	Appliance Bag - Fire Dept.	Open	18.69	0.00	
21-00671	05/03/21	AAAABIKE AAAA BIKE EMPORIUM	BIKE REPAIRS	Open	1,042.96	0.00	
21-00673	05/03/21	ALLEG005 Allegra Marketing Print & Mail	Printing	Open	155.00	0.00	
21-00679	05/04/21	AMAZ0005 Amazon Capital Services, Inc.	Fire Dept. Materials/Supplies	Open	177.37	0.00	
21-00680	05/05/21	WESTM005 West Marine Products, Inc	Beach Patrol Supplies - 2021	Open	534.26	0.00	
21-00689	05/06/21	SWANA SWANA NEW JERSEY CHAPTER	11th Annual Golf Outing - Edge	Open	90.00	0.00	
21-00696	05/10/21	SJWELDIN SOUTH JERSEY WELDING SUPPLY CO	April 2021 - Oxygen Rental	Open	39.06	0.00	
21-00716	04/01/21	MUNIC005 Municipal Code Enforcement	elevator inspection contract	Open	12,768.00	0.00	
21-00732	05/18/21	ACPRESS2 Press of Atlantic City	Job Ad- Recreation	Open	515.98	0.00	
21-00733	05/19/21	SHEPPARD Sheppard Bus Service	Summer Camp Bus for Trip	Open	640.00	0.00	
21-00738	05/20/21	WILLIAMS WILLIAMS SCOTSMAN, INC.	Sta. 2 Trailer Rental - 5/2021	Open	286.00	0.00	
21-00739	05/20/21	WITMER Witmer Public Safety Group Inc	Fire Department Supplies	Open	93.00	0.00	
21-00743	05/21/21	CURRIER Currier's Magical Mania, LLC	Summer Camp Shows	Open	1,565.00	0.00	
21-00748	05/25/21	MARYA005 Mary Anne Schaper	Refund - Summer Camp	Open	240.00	0.00	
21-00751	05/25/21	CAPEMAY CAPE MAY COUNTY TREASURER	Summer Camp Show/Trip	Open	852.00	0.00	
21-00756	05/26/21	WB MASON W.B. MASON CO., INC.	janitorial supplies	Open	1,028.71	0.00	B
21-00758	05/26/21	TUCKERS Tuckers' Tales Puppet Theatre	Summer Camp Show	Open	450.00	0.00	
21-00763	05/11/21	VERALPH V.E. RALPH & SON, INC.	Beach Patrol EMS Supplies	Open	665.50	0.00	
21-00764	05/18/21	VERALPH V.E. RALPH & SON, INC.	Beach Patrol EMS Supplies	Open	199.90	0.00	
21-00767	05/27/21	SAMS Sam's Club	Rec Supplies	Open	104.84	0.00	
21-00770	05/28/21	ACTION U ACTION UNIFORM CO. LLC	Fire Department Uniforms Items	Open	255.99	0.00	
21-00771	05/28/21	WB MASON W.B. MASON CO., INC.	Fir Department Supplies	Open	205.49	0.00	
21-00772	06/01/21	CITYPROL CITY OF MARGATE PAYROLL ACCT	Payroll for 06/03/2021	Open	454,930.88	0.00	
21-00773	06/01/21	CITYPROL CITY OF MARGATE PAYROLL ACCT	payroll for 06/03/2021	Open	23,463.89	0.00	
21-00774	06/01/21	PAYROLL MARGATE CITY PAYROLL ACCOUNT	payroll for 06/03/2021	Open	22,225.67	0.00	
21-00775	06/01/21	SHOREMEM Shore Medical Center	CPR and First Aid Training BP	Open	1,140.00	0.00	
21-00776	06/01/21	TOOLSPLU Tools Plus LLC	Fire Department Supplies	Open	1,028.56	0.00	
21-00777	06/02/21	WILLI010 Bill Evans welding	REPAIR TWO LIFEGUARD STANDS	Open	1,100.00	0.00	
21-00778	06/02/21	GOODYEAR GOODYEAR AUTO SERVICE	Tires for F-29 - Fire Dept.	Open	806.40	0.00	
21-00782	06/03/21	HOMED308 Home Depot Credit Services	Tennis Storage	Open	469.00	0.00	
21-00783	06/03/21	JEFFK005 7605 Atlantic, LLC	Refund Q2 2021 Tax Payment	Open	2,763.57	0.00	
21-00786	06/04/21	LORIB005 Lori Barbers	refund Q2 Tax Overpayment	Open	618.04	0.00	
21-00787	06/04/21	CORELOGI CoreLogic	Refund Q2 Tax Overpayment	Open	1,616.88	0.00	

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
21-00789	06/04/21	ADVIS005	Advisors Mortgage Group, LLC	refund overpayment Q2 tax	Open	2,068.90	0.00	
21-00791	06/07/21	BCR	Business Computer Resources	repair of laser printer	Open	469.00	0.00	
21-00792	06/07/21	ERIKS	Erik's Painting, LLC.	powerwash and paint police	Open	1,250.00	0.00	
21-00793	06/07/21	IRONMOUN	IRON MOUNTAIN	record storage - june 2021	Open	659.91	0.00	
21-00795	06/07/21	MATTHEW	MATTHEW BENDER & COMPANY, INC.	NJ Crim Justice	Open	64.08	0.00	
21-00796	06/07/21	LANGUAGE	LANGUAGE SERVICES ASSOC., INC.	Telephonic Interpreting	Open	115.50	0.00	
21-00797	06/07/21	THOM WES	THOMSON REUTERS WEST	Subscriptions	Open	763.00	0.00	
21-00798	06/07/21	BLUEWATE	Bluewater Graphics	No Swimming Signs - BP	Open	756.00	0.00	
21-00799	06/07/21	MES	Municipal Emergency Services	HURST Tool Maintenance - FD	Open	2,369.00	0.00	
21-00801	02/04/21	STATETOX	STATE TOXICOLOGY LABORATORY	Testing	Open	315.00	0.00	
21-00802	06/08/21	AMER TM	American Trade Mark Co.	Magnetic Tags - Fire Dept.	Open	37.00	0.00	
21-00803	06/08/21	CDSALES	C & D SALES	Fire Department Uniform Items	Open	1,940.15	0.00	
21-00804	06/02/21	SCOTTS	Ray Scott's Dock LLC	Maintenance - Fire and Beach	Open	987.41	0.00	
21-00806	06/08/21	BRUCE010	Bruce & Rebecca Lev	Refund Tax Overpayment Q2 2021	Open	2,597.93	0.00	
21-00808	06/08/21	MOSSMANS	MOSSMANS BUSINESS MACHINE INC	copier contract - may 2021	Open	453.90	0.00	
21-00809	06/08/21	PITNEY	PITNEY BOWES GLOBAL	postage machine lease-2nd qt 21	Open	903.33	0.00	
21-00815	06/09/21	PREMIERL	Premier Learning Solutions	w-2 Updates 2021 webinar	Open	199.00	0.00	
21-00817	06/09/21	ATLANTIC	ATLANTIC COAST ALARM, INC.	service call police dept	Open	158.00	0.00	
21-00818	06/09/21	POINT005	Point Sewer & Drain	drain cleaning service	Open	225.00	0.00	
21-00821	06/10/21	BLUE360	LB413164 BLUE360 MEDIA, LLC	Subscription	Open	73.75	0.00	
21-00822	06/10/21	4IMPRO05	4imprint, Inc.	100 Prevaguard Fanny packs	Open	679.13	0.00	
21-00826	06/14/21	CITYPROL	CITY OF MARGATE PAYROLL ACCT	Payroll for 06/17/2021	Open	480,261.55	0.00	
21-00827	06/14/21	CITYPROL	CITY OF MARGATE PAYROLL ACCT	payroll for 06/17/2021	Open	57,535.89	0.00	
21-00828	06/14/21	PAYROLL	MARGATE CITY PAYROLL ACCOUNT	payroll for 06/17/2021	Open	24,291.88	0.00	
21-00829	06/14/21	ALLIND	ALL INDUSTRIAL SAFETY PRODUCTS	Safety Equipment - FD and PW	Open	613.68	0.00	
Total Purchase Orders:		118	Total P.O. Line Items:	0	Total List Amount:	1,444,670.35	Total Void Amount:	0.00

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Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
APPROPRIATIONS	1-01	1,102,079.53	0.00	0.00	1,102,079.53
	1-05	90,027.55	0.00	0.00	90,027.55
Year Total:		1,192,107.08	0.00	0.00	1,192,107.08
	C-04	244,521.56	0.00	0.00	244,521.56
	T-12	43.20	0.00	0.00	43.20
	T-14	7,998.51	0.00	0.00	7,998.51
Year Total:		8,041.71	0.00	0.00	8,041.71
Total of All Funds:		1,444,670.35	0.00	0.00	1,444,670.35

A motion to adopt **Resolution #129-2021**, authorizing the payment to Colmar Home Center, was put forth by Commissioner Amodeo, Seconded by Commissioner Blumberg, with a vote of two ayes. Mayor Becker abstained from vote.

RESOLUTION #129-2021
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:

COLMAR HOME CENTER \$ 1,434.89

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 #130-2021 thru Resolution #139-2021**, was put forth by Commissioner Amodeo, Second by Commissioner Blumberg, with a vote of three ayes.

RESOLUTION #130-2021**AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the City of Margate City (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2022 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certification with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

RESOLUTION #131-2021 AUTHORIZING REFUNDS OF TAX OVERPAYMENTS

WHEREAS, it has been determined by the Margate City Tax Collector that the attached certification is a list of properties that have duplicate property tax payments made by a mortgage company escrow and property owner(s); and

WHEREAS, as a result each property has a credit on property tax account for second quarter 2021; and

WHEREAS, said properties were either sold or refinanced or newly purchased; and

WHEREAS, the mortgage company and/or homeowner has requested the overpayment be refunded.

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


The Chief Financial Officer is hereby authorized to issue refund checks in the amounts listed on the attached certification by the Tax Collector.

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

CERTIFICATION OF DUPLICATE PAYMENTS ON SECOND QUARTER 2021 PROPERTY TAX

I, Tara J. Mazza, Tax Collector of the City of Margate City, County of Atlantic, do hereby certify that the below listed properties have duplicate payments on second quarter 2021 property tax account. Furthermore, a refund should be issued to either the mortgage company or the property owner(s) whom sent in the payment that created the credit.

<u>BLOCK & LOT</u>	<u>AMOUNT</u>	<u>REFUND TO</u>
103.02 1	\$2763.57	7605 Atlantic LLC
112.01 13	\$2068.90	Advisors Mortgage Group
232 4 C0B1	\$618.04	Lori Barbers
510.02 48	\$2597.93	Bruce & Rebecca Lev
704.03 1	\$1616.88	CoreLogic Tax Service



6/8/2021

Tara J. Mazza, CTC
Tax Collector
City of Margate, New Jersey

RESOLUTION #132-2021
AUTHORIZING RENEWAL OF THE 2021-2022 LIQUOR LICENSES FOR THOSE
LICENSEES WHO HAVE MET ALL CITY AND STATE REQUIREMENTS AND PAID ALL
APPLICABLE FEES

WHEREAS, the Retail Renewal Application forms for the 2021-2022 license term has been deemed complete in all respects, the annual fees have been paid to both the City of Margate City and the State of New Jersey, Division of Alcohol Beverage Control; and

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2021-2022 license term effective as of July 1, 2021 and subject to the conditions and limitations contained therein.

CLUB LICENSES

<u>LICENSEE</u>	<u>TRADE NAME</u>
Margate City Fire Company 0116-31-021-001	MARGATE LOG CABIN \$180

PLENARY RETAIL CONSUMPTION

LICENSEE	TRADE NAME
Sensational Desserts LLC 0116-33-001-003	Johnny’s Café \$600.00
Margate License Inc. 0116-33-003-013	TOMATOES RESTAURANT \$600
South End Suds & Suds, Corp 0116-33-004-006	SOUTH END LIQUORS \$600
Miyako Japanese Rest Corp 0116-33-005-005	MIYAKO JAPANESE RESTAURANT \$600
Lah Lah Land LLC 0116-33-006-010	SOPHIA RESTAURANT \$600
Saltwater Properties LLC 0116-33-007-014	Saltwater \$600
New Gold Inc. 0116-33-010-002	MEMORIES \$600
Robert’s Place Inc. 0116-33-014-003	ROBERT’S PLACE \$600
CSST, Inc. 0116-33-016-011	STEVE & COOKIES’ BY THE BAY \$600
Yo-Levin Inc 0116-33-017-005	VENTURA’S GREENHOUSE REST. \$600
7805 BOCCA LLC 0116-33-018-013	BOCCA \$600
Maynard’s Inc 0116-33-019-004	MAYNARD’S CAFE \$600

PLENARY RETAIL DISTRIBUTION

LICENSEE	TRADE NAME
JayJala, LLC 0116-44-015-009	DOWNBEACH LIQUORS \$345

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey that authorization is hereby given to renew said licenses, effective July 1, 2021, the aforesaid liquor licenses for the license term 2021-2022.

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

- 1. Chief Matthew Hankinson, Margate Police Department
- 2. Lisa McLaughlin, Chief Financial Officer
- 3. Division of Alcoholic Beverage Control

RESOLUTION #133-2021
AUTHORIZING CHANGE ORDER #2 (DECREASE)

FY 2019 SAFE STREETS TO TRANSIT DOWNTOWN TRAFFIC CALMING IMPROVEMENTS

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey authorized Resolution #47-2021 on February 18, 2021 awarding a contract to L. Feriozzi Concrete Company, 3010 Sunset Ave., Atlantic City, NJ 08401 as per their proposal for FY 2019 Safe Streets to Transit Downtown Calming Improvements; and, in an amount of \$100,186.78; and

WHEREAS, City Engineer, Ed Dennis, has prepared a letter dated May 5, 2021 regarding an increase in Change Order #1 that relates to additional work related to Landscape Curb the amount of \$7,885.00 resulting in a new contract total of \$108,071.78; and

WHEREAS, City Engineer, Ed Dennis, has prepared a letter dated June 7, 2021 regarding a decrease in Change Order #2 that relates to As-built quantities the amount of \$(2,564.93) resulting in a new contract total of \$105,506.85.

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 #2(Decrease) to the contract with L. Feriozzi Concrete Company, 3010 Sunset Ave., Atlantic City, NJ 08401 to the new contract amount \$105,506.85.

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. L. Feriozzi Concrete Company, 3010 Sunset Ave., Atlantic City, NJ 08401

RESOLUTION #134-2021**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>
100	General Personnel Policy
101	Equal Employment Opportunity Policy
102	Americans with Disabilities Policy
102-A	Pregnancy Policy
103	Contagious or Life Threatening Illnesses Policy
104	Safety Policy
107	Policy Prohibiting Workplace Violence
108	Policy Against Harassment
109	Security Policy
110	Whistle Blower 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.”

**R E S O L U T I O N #135-2021
AUTHORIZING CHANGE ORDER #4 (INCREASE)
AMHERST AVENUE PROMENADE**

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey has on November 12, 2020 authorized Resolution #212-2020 awarding a contract to Fred M. Schiavone, PO Box 416, Malaga, NJ 08328, for Amherst Avenue Promenade, as per their proposal in an amount of \$2,075,297.70; and

WHEREAS, City Engineer, Ed Dennis, of Remington & Vernick Engineers has prepared a letter dated April 9, 2021 regarding an increase in Change Order #1 that relates to installation of check valves on outfall pipes in the amount of \$23,999.43, resulting in a new contract total of \$2,099,297.13; and

WHEREAS, City Engineer, Edward Dennis, has prepared a letter dated April 13, 2021 regarding Change Order #2 that related to a change in contract due to Material Delivery time providing for a time extension of sixty (60) days, resulting in a new contract completion date of May 28, 2021; and

WHEREAS, City Engineer, Edward Dennis, has prepared a letter dated May 12, 2021 regarding Change Order #3 that related to revised paving limits and HMA base course thickness and as-built concrete quantities in the amount of \$507.60 resulting in a new contract total in the amount of \$2,099,804.73; and

WHEREAS, City Engineer, Edward Dennis, has prepared a letter dated June 7, 2021 regarding Change Order #4 that related to ACE Transformer Pad Protection in the amount of \$9,350.52 resulting in a new contract total in the amount of \$2,109,155.25; and

WHEREAS, the Chief Financial Officer has certified to the Margate City Board of Commissioners that there are sufficient funds in the amount of \$9,350.52 available under Ord 07-2019 account: C-04-55-984-902 for approval of this change order.

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 #4 (Increase) with Fred M. Schiavone, PO Box 416, Malaga, NJ 08328 resulting in a new contract amount of \$2,109,155.25.

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. Fred M. Schiavone, PO Box 416, Malaga, NJ 08328

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: 2,109,155.25
Resolution Date: 06/17/21
Resolution Number: 135-2021

Vendor: FREDMSCH Fred M. Schiavone
Construction Inc.
PO Box 416
Malaga, NJ 08328

Contract: U1590000 Amherst Avenue Promenade

Account Number	Amount	Department Description
C-04-55-984-902	9,350.52	Ordinance 07-2019
Total	9,350.52	

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 #136-2021
AUTHORIZING AWARD OF CONTRACT
2021 REDEVELOPMENT OF WELL #5 PROJECT**

WHEREAS, on May 6, 2021, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey, approved Resolution #111-2021 authorizing the receipt of bids for the 2021 Redevelopment of Well #5 Project; and

WHEREAS, the City Clerk did duly advertise the receipt of said bids for the 2021 Redevelopment of Well #5 Project in the Press of Atlantic City on May 20, 2021; and

WHEREAS, in connection therewith two (2) bids were received by the City Clerk and the City Engineer of the City of Margate City on June 10, 2021; and

- | | |
|--|--------------|
| 1. Uni-Tech Drilling Co., Inc. 61 Grays Ferry Road, Franklinville, NJ 08322 | \$128,850.00 |
| 2. A.C. Schultes, Inc., 646 South Evergreen Avenue, Woodbury Heights, NJ 08097 | \$138,250.00 |

WHEREAS, the City Engineer, Edward Dennis, of Remington & Vernick Engineers, submitted a letter of recommendation dated June 10, 2021 that the contract be awarded to the lowest responsible bidder Uni-Tech Drilling Co., Inc., 61 Grays Ferry Road, Franklinville, NJ 08322 as per their bid proposal in an amount of \$128,850.00; and

WHEREAS, the Chief Financial Officer has certified to the City Commissioners that there are adequate funds available in account C-06-55-914-902 for the purpose of awarding of this contract for \$128,850.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Commissioners of the City of Margate City, County of Atlantic, State of New Jersey that it does hereby award a contract to Uni-Tech Drilling Co., Inc., 61 Grays Ferry Road, Franklinville, NJ 08322, as per their bid proposal for the 2021 Redevelopment of Well #9 Project in an amount not to exceed \$128,850.00, and that the award of contract be advertised according to law one time in the Press of Atlantic City newspaper.

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 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. Remington & Vernick Engineers
- 2. Lisa McLaughlin, Chief Financial Officer
- 3. Uni-Tech Drilling Co., Inc. 61 Grays Ferry Road, Franklinville, NJ 08322

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: 128,850.00
Resolution Date: 06/17/21
Resolution Number: 136-2021

Vendor: UNITE005 Uni-Tech Drilling Company, Inc
61 Grays Ferry Road
Franklinville, NJ 08322

Contract: U1630000 Redevelopment of Well #5

Account Number	Amount	Department Description
C-06-55-914-902	128,850.00	Ordinance 02-2021
Total	128,850.00	

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 #137-2021
AUTHORIZING THE PURCHASE UNDER NEW JERSEY STATE CONTRACT
PRICING SYSTEM UNION AVENUE RECREATION PLAYGROUND EQUIPMENT

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the Sourcewell Cooperative Purchasing System; and

WHEREAS, the Board of Commissioners of the City of Margate City, desire to purchase and install Union Avenue Recreation Playground equipment through MRC Recreation, an authorized vendor under New Jersey State Contract; and

WHEREAS, Andrew Miles, the Director of Recreation and Roger McLarnon, Qualified Purchasing Agent, recommend the purchasing and installation of Union Ave Recreation Playground equipment, under State contract # - 16-FLEET-00121, to be awarded to MRC Recreation, 878 E. US Hwy. 60, Monett, MO 65708, in the amount of \$49,298.42; and

WHEREAS, the Chief Financial Officer has certified to the Margate City Board of Commissioners that there are sufficient funds in the amount of \$49,298.42 available under Capital Ordinance 01-2021 account C-04-55-986-904 for approval of this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey does hereby authorize the purchasing and installation of Union Avenue Recreation Playground equipment in the amount not to exceed \$49,298.42.

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

1. Lisa McLaughlin, Chief Financial Officer
2. Andrew Miles, Director of Recreation
3. Roger McLarnon, Qualified Purchasing Agent
4. Miracle Recreation, 878 E. US Hwy 60, Monett, MO 65708

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:

Playground Equipment for the Union Avenue Municipal Playground
NJ State Contract #16-FLEET-00121

Resolution #: 137-2021

Resolution Date: 137-2021

Vendor:


MRC /GameTime
Spring Lake, New Jersey

Contract Amount:

\$49,298.42

Source of Funds:

Capital Ordinance 01-2021 C-04-55-986-904 \$49,298.42



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

6/17/21

Date

RESOLUTION #138-2021

**AUTHORIZING APPROVAL TO SUBMIT GRANT APPLICATION MA-2022
AND EXECUTE GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE RECONSTRUCTION OF WINCHESTER AVENUE
PROJECT**

WHEREAS, the New Jersey Department of transportation is accepting applications for the Municipal Aid Grant Application Program; and

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

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

WHEREAS, the Board of Commissioners wish to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for MA-2022- Reconstruction of Winchester Avenue Project.

WHEREAS, Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Winchester Avenue project.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Reconstruction of Winchester Avenue-Margate City-00254 to the New Jersey Department of Transportation on behalf of the City of Margate City.

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

**RESOLUTION #139-2021
CONFIRMING ACCEPTANCE OF
WORK AS COMPLETE
2019-2020 CURB & GUTTER PROGRAM PHASE II**

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey previously adopted Resolution #183-2020 on September 17, 2020 which authorized the award of a contract to Diamond Construction, 35 Beaverson Blvd., Suite 12C, Brick, NJ 08723 in the amount of \$56,731.01 for the 2019-2020 Curb and Gutter Program Phase II; and

WHEREAS, the City Engineer, Ed Dennis has advised in a letter dated June 14, 2021 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, County of Atlantic, State of New Jersey that it does hereby confirm and otherwise accept as complete the 2019-2020 Curb and Gutter Program Phase II in the final contract amount of \$57,580.41.

BE IT FUTHER RESOLVED that the contractor, Diamond Construction, 35 Beaverson Blvd., Suite 12C, Brick, NJ 08723 is now hereby authorized to post a Maintenance Bond in said amount of \$57,580.41 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 June 8, 2021.

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

1. Lisa McLaughlin, Chief Financial Officer
2. Edward Dennis, City Engineer
3. Diamond Construction, 35 Beaverson Blvd., Suite 12C, Brick, NJ 08723

Update:

Commissioner Amodeo: Lifeguard races will occur this year. Five Tribes Production Company will livestream all the lifeguard races. Local vendors will have the opportunity to advertise during these live streams. Ocean First Bank is requesting Margate accept a grant for a camera put on Jerome Avenue, which works in conjunction with a phone app to let people know what evacuation routes are available.

Chief Adams: "The Locker Room Program" on ESPN will also provide radio coverage of the lifeguard races.

Rich Deaney: Confirms this is the last commission meeting with teleconferencing availability. The commission meetings will return to full attendance capacity starting the July 1, 2021 meeting.


Adjournment:

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Amodeo and seconded by Mayor Becker to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 4:34 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