

# **REGULAR MEETING MINUTES**

## **CITY COMMISSION – MARGATE CITY**

**SEPTEMBER 20, 2018**

**MARGATE CITY, NEW JERSEY**

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

The Regular Meeting of the Board of Commissioners was held on the above date at 5:10 p.m. at the Margate City Hall, 1 South Washington Avenue, Margate, NJ 08402. The meeting began with a flag salute and roll call: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Lisa McLaughlin, Frank Ricciotti, Chief Adams, Fred Verna Johanna Casey, Rich Deaney, Roger McLarnon and Scott Abbott were also present. The minutes from the September 2, 2018 Capital, Workshop and Regular Meetings were approved as read on motion by Commissioner Blumberg, seconded by Commissioner Amodeo with a vote three ayes.

### **ORDINANCES:**

**Ordinance No. 17-2018** A motion to table this ordinance was made by Commissioner Amodeo, seconded by Mayor Becker with a vote of three ayes.

### **Public Comment:**

**Sharon Ionelli:** Speaking as manager and representative of all the residents of 9600. Residents of this property disapprove of the rezoning of this district.

**Mayor Michael Becker:** Ordinance was tabled.

**Sharon Ionelli:** 9600; Wants ordinance to be withdrawn. Questioning lack of proper notification in past regarding this ordinance. Disappointed with city leadership.

**Scott Abbott:** Clarified that the ordinance was withdrawn.

**Mayor Michael Becker:** this ordinance cannot be brought up again without it getting a new number and public would be made aware.

**Elliot Jack:** 9511 Beach Ave. States leadership is focusing more on commercial. Feel better with ordinance being withdrawn. Margate preservation fund will have leadership overturned if motion not permanently withdrawn.

**Stephanie Zucker:** 4 N. Brunswick Ave. For record wanting each commissioner to say ordinance withdrawn.

**Mayor Michael Becker:** Each commissioner has already voted to withdraw ordinance

**Stephanie Zucker:** 411 Brunswick Ave.; states each commissioner should say they are withdrawing ordinance and no replacement of the ordinance.

**Commissioner Maury Blumberg:** There are no farther plans to create a new hotel overlay ordinance.

**Stephanie Zucker:** 4N. Brunswick Ave. Stating she saw on a website a proposed picture of a Marriott.

**Commissioner Maury Blumberg:** No plan has ever been presented to planning or commission.

**Commissioner John Amodeo:** Respect everyone being concerned. By law commissioners were not obligated to send out notification but the commission decided to send out.

**Scott Abbott:** Agreeing with statement that notification did not have to be sent out to the public per the law.

**Commissioner John Amodeo:** Verifying that Ordinance 17-2018 is dead.

**Stephanie Zucker:** 4 N. Brunswick Ave. Inquires if it could be brought up again.

**Commissioner John Amodeo:** Everyone has right to present a new plan to board and there is a process to be followed to get approval. At this time there is no new official application. Asking public to go to city website for information.

**Stephanie Zucker:** 4N. Brunswick Ave. Inquires as to if ordinance 17-2018 could be presented again under a new number. Saying this ordinance has been in works since March 1<sup>st</sup> and the first anyone has heard about it was a couple of weeks ago.

**Commissioner John Amodeo:** Stating overlay zone was in works since early 2016 when Master Plan was redone. Required to have Master Plan done every ten years.

**Mayor Michael Becker:** Thank you Mrs. Zucker for speaking.

**Stephanie Zucker:** 4 N. Brunswick Ave. Inquires as to a meeting attendance sheet from 3/01 for a project of Ventura's

**Mayor Michael Becker:** Requesting Rich to come up to clarify.

**Rich Deaney:** Margate City Administrator; states he just heard that someone, maybe Ventura's, went to the state agency, CAFRA to see about getting approval for a hotel. This is only a rumor, no plans have ever been presented to City of Margate.

**Stephanie Zucker:** 4 N. Brunswick Ave; states there is a trust issues with this being presented again.

**Mayor Michael Becker:** Stating that it was gone over three to four times already.

**Jeff Herbitz:** 9400 Atlantic Ave. Shore Club; Seeing changes happening.. Questioning what is advantage to tax payers with these changes. Changes character of city.

**Mayor Michael Becker:** Not agreeing with saying character of Margate is changing. Believes in supporting business community.

**Jeff Herbitz:** 9400 Atlantic Ave. Shore Club; we are well oiled financially. What would be advantage to changes, unless it it's to lower taxes? Requests more transparency.

**Mayor Michael Becker:** Well said.

**Eric Stevens:** 9100 Beach; Requests commissioners commit to transparency, get public comment, and want won't move ahead without having those conversations.

**Commissioner John Amodeo:** Always do.

**Mayor Michael Becker:** Always do.

**Eric Stevens:** 9100 Beach; Early May Commissioner Amodeo told Richard Helfant that the Greenhouse would be replaced with an eight story building within a year.

**Commissioner John Amodeo:** I never spoke to Richard Helfant about hotel or anything else about the Greenhouse property. Questioning when this statement was made.

**Eric Stevens:** 9100 Beach; Per the open public records act there is a copy of an email sent from someone in Helfant's organization to the DEP stating Commissioner Amodeo said "this project much farther along than public knows."

**Susan Ruben:** 115 S. Osborne Ave. Thanks commissioners for her getting stakeholders meeting documents. No evidence of master plan meeting ever held. Questioning if master plan on website has been adopted. Asking who wrote master plan.

**Commissioner John Amodeo:** Four professionals.

**Susan Ruben:** 115 S. Osborne Ave. Please state who they are.

**Commissioner Amodeo:** Remington and Vernick, Sash Architects, and an energy company.

**Susan Ruben:** 115 S. Osborne Ave. Spectrum Gaming Group, Levinson Institute for Hospitality and Tourism, which are two gaming groups.

**Commissioner John Amodeo:** Both are part of the Sash group.

**Susan Ruben:** 115 S. Osborne Ave. Inquires as to the city trying to bring in gambling. No other bids submitted had anything to do with gaming. Master plan driving changes. Got in bed with a gaming group.

**Commissioner John Amodeo:** It went out for bid.

**Susan Ruben:** 115 S. Osborne Ave. All bids were a few bucks of each other.

**Jill Rosen:** 8806 Ventnor Ave. States that she saw on news today a rendering of a hotel in Margate. Questioning where did this information come from.

**Mayor Michael Becker:** Assuring those attending that this information did not come from the City of Margate.

**Carol Christenson-Lee:** 100 S. Osborne Ave. States these changes could affect real estate prices.

**Mark Neisser:** 22 E. Colmar Ave. Went over list of those who got invitation to be part of the focus groups for master plan. Inquires as to why no citizens were invited.

**Commissioner John Amodeo:** There was a notification about meetings published in the Atlantic City Press.

**Mark Neisser:** 22 E. Colmar: Requests from now on that citizens get invited not just through public notifications.

**Commissioner John Amodeo:** This information is also on the city's website.

**Mark Neisser:** 22 E. Colmar Suggesting interested residents should be invited. Requests the commissioners to write to CAFRA stating they are against waterfront project.

**Scott Abbott:** Recommending against doing.

**Mark Neisser:** 22 E. Colmar Ave. Asking which commissioner on planning board.

**Commissioner Amodeo:** I am not on board but I do attend meetings.

**Mark Nicer:** Asking that the commissioners let the planning board not to bring up again.

**Commissioner John Amodeo:** Believes the public is aware of this.

**Mark Nicer:** 22 E. Colmar Ave. Asking commissioners to look at the section in the preamble to master plan saying that the decrease in population causes more costs. Questioning if costs should be going down.

**Cynthia Levin:** 203 N. Vendone Ave. Asking if there is a legal way to open the master plan to be reviewed and rewritten.

**Commissioner John Amodeo:** Believes planning board is already considering.

**Roger McLarnon:** Yes

**Cynthia Levine:** 203 N. Vendome Ave. Questioning if planning board willing to do.

**Commissioner John Amodeo:** Believe they are considering farther input.

**Roger McLarnon:** Not officially yet.

**Commissioner John Amodeo:** Agreeing not officially yet. The housekeeping ordinance is to go through tonight. Board will be reconsidering other aspects of the master plan.

**Cynthia Levine:** 203 N. Vendome Ave. Questioning if funds will have to be committed for reviewing plan.

**Commissioner John Amodeo:** If they hire professional staff they would.

**Cynthia Levine:** 203 N. Vendome Ave. Questioning if any plans to do this.

**Commissioner John Amodeo:** Not official yet, but there are other issues to be considered.

**Cynthia Levine:** 203 N. Vendome Ave. Asking if the entire master plan will be reviewed.

**Commissioner John Amodeo:** Replying there will only be updates to the plan.

**Cynthia Levine:** 203 N. Vendome Ave. Asking if willing to review the hotel overlay plan.

**Commissioner John Amodeo:** It is up to the planning board.

**Roger McLarnon:** Even if something is in the master plan it does not mean that the governing body has to adopt any part of it.

**Cynthia Levine:** 203 N. Vendome Ave. Questioning the master plan and received input. Wants more information and notification about meetings on website.

**Commissioner John Amodeo:** All up here agreeing.

**Cynthia Levine:** 203 N. Vendome Ave. Questioning if this will it happen.

**Commissioner John Amodeo:** It does happen.

**Cynthia Levine:** 203 N. Vendome Ave. Asking when is next planning board meeting to review master plan.

**Commissioner John Amodeo:** Asking if anyone knows.

**Commissioner Maury Blumberg:** Saying that there is not one scheduled at this time.

**Mayor Michael Becker:** Agreeing that one is not scheduled yet. States all meetings are advertised. Asking that Johanna explain where advertise.

**Johanna Casey:** By law we have to advertise in one local newspaper that reaches the public. This is the Atlantic City press.

**Cynthia Levine:** 203 N. Vendome Ave. Asking if township is willing to change its ordinance to go above the municipal land use law on where the city advertises city meetings and notifications.

**Johanna Casey:** It is a state law.

**Cynthia Levine:** 203 N. Vendome Ave. States she understands. Questioning why can't it go above state.

**Johanna Casey:** Cannot go above a state law.

**Cynthia Levine:** Stating all public notices have to be published on the city website by law. Currently they are not.

**Mayor Michael Becker:** Yes they are on the website.

**Cynthia Levine:** 203 N. Vendome Ave. Saying not on website. Recognizes that notices are published in Atlantic City Press, but saying no one reads the Press. City has website.

**Mayor Michael Becker:** Asking if there a Press reporter in house.

**Cynthia Levine:** 203 N. Vendome Ave. Wanting to know if the township willing to have an ordinance be passed to require public notice of meetings and proposed variances be published on the city website.

**Mayor Michael Becker:** Already on website.

**Johanna Casey:** Is already on web.

**Cynthia Levine:** 203 N. Vendome Ave. Saying the notice of public notices are not on website.

**Commissioner John Amodeo:** Questioning do we or don't we.

**Johanna Casey:** We do.

**Cynthia Levine:** 203 N. Vendome Ave. States that the master plan on website says draft.

**Commissioner John Amodeo:** Suggesting to Mayor the city clerk give her instructions on where to find legal notices on website.

**Cynthia Levine:** 203 N. Vendome Ave. Asking if applications on website.

**Commissioner John Amodeo:** Suggesting that she may not be seeing on website.

**Cynthia Levine:** 203 N. Vendome Ave. Asking if willing to put actual master plan on the website.

**Commissioner Maury Blumberg:** It is there.

**Commissioner John Amodeo:** It is there.

**Mayor Michael Becker:** It is there.

**Cynthia Levine:** 203 N. Vendome Ave. It says draft

**Johanna Casey:** That draft was adopted.

**Cynthia Levine:** 203 N. Vendome Ave. Questioning as is with empty spaces.

**Mayor Michael Becker:** Asked for Roger.

**Roger McLarnon:** Not sure why draft is still up on website.

**Scott Abbott:** Has to say draft

**In Audible:** Discussion as to how Master Plan is to be on website.

**Cynthia Levine:** 203 N. Vendome Ave. Agreeing that the actual master plan needs to be on website.

**Commissioner Maury Blumberg:** We can fix it.

**Bob Davis:** 12 N. Jefferson Expressing concern over lack of parking. Wanting city government to let citizens know more about proposed plans.

**Glenn Walberg:** 9100 Atlantic Ave. Questioning commissioners if their feeling would be different if it was a proposed high-rise condo.

**Mayor Michael Becker:** Says personally he would have to look at plans.

**Glenn Walberg:** 9100 Atlantic Ave. Suggesting for commissioners to think strongly about this question.

**Mayor Michael Becker:** States we honestly think carefully about all proposals.

**Jay Weintraub:** 10 N. Franklin Ave. Seeing Margate turning into a honkytonk town with master plan.

Referring back to Commissioner Amodeo saying he never spoke to Mr. Helfont.

**Commissioner John Amodeo:** He is not employee of city

**Mayor Michael Becker:** He is not employee of city

**Commissioner Maury Blumberg:** The owner of Ventura's has and will continue to talk about rebuilding the Greenhouse. He like, everyone else, would have to go through the proper channels to get approval to build.

**In Audible:** A gentleman in hall speaking at same time as Commissioner Blumberg.

**Mayor Becker:** Requesting that the gentleman let Commissioner Blumberg speak. If gentleman continues to speak then he will be asked to leave.

**Commissioner Maury Blumberg:** Everyone has right to bring a plan before the planning board. The members of the planning board have the best interest of the city.

**Jay Weintraub:** 10 N. Franklin Ave. Not comfortable with changes. Questioning transparency. Scott Abbott could care less about what I am saying.

**Scott Abbott:** I have read some of the buzz feed by you about moving the elephant. There are no plans to move.

**Jay Weintraub:** 10 N. Franklin Ave. I did not post that.

**Scott Abbot:** Looks like you did.

**Jay Weintraub:** 10 N. Franklin Ave. I did not say that.

**Scott Abbott:** This is a personal attack.

**Jay Weintraub:** 10 N. Franklin Ave. Not making a personal attack.

**Scott Abbott:** Not much you can say that would interest me.

**Jay Weintraub:** 10 N. Franklin I did not bring up Lucy. Issue is transparency and how communicating information. Has trust issue with Planning Board and Commissioners.

**Henry Hornstein:** 9100 Beach Ave. Asking Mr. Abbott if required to make notice by certified mail and legal notice.

**Scott Abbott:** It is not legally required, but it was decided to send by certified mail to everyone within zone.

**Henry Hornstien:** 9100 Beach Ave. I was not notified by condo association.

**Scott Abbott:** Law specifies that it only has to be sent to condo association.

**Henry Hornstein:** 9100 Beach Ave. He knows this. Sister who lives in Margate full time did not get within ten days.

**Scott Abbott:** Stating that some people did not pick up their certified mail within the ten days before meeting.

**Henry Hornstein:** 9100 Beach Ave. States commission appoints planning board. Wants tweaking of master plan to help avoid this issue again. Questioning if commission knows what is in Master Plan.

**Scott Abbott:** Asking if he can comment.

**Mayor Michael Becker:** Yes

**Scott Abbott:** Master Plan was done to help city.

**Henry Hornstein:** 9100 Beach Ave. A lot has to be done to rebuild trust.

**Christine Eden:** 502 N. Clermont; Taxes will not go down if merge is done.

**Steve Worner:** 103 N. Summer Spoke on attitude of meeting attendees. Commissioners work very hard. We should thank city workers and how great city is.

**Ralph Mality:** 9400 Atlantic Ave. Has a question for Scott Abbott. Asking if there is a legal way to have the Master Plan a final vote by referendum.

**Scott Abbott:** Not by law cannot be done.

**Alan Laskin:** 11 S. Adams Ave. Asking when going to get mats on Adams and Handrail.

**Mayor Michael Becker:** In the Spring.

**John Sewell:** 22 West Dr. Questioning Mayor's lack of focus regarding schools.

**Saul Jacobs:** 2 N. Harding Ave. Questioning accountability of Planning Board. Also questioning if commission appoints members of planning board.

**Saul Jacobs:** 2 N. Harding Ave. Questioning if Planning Board reports to the commissioners.

**Mayor Michael Becker:** They are independent.

**Saul Jacobs:** 2 N. Harding Ave. Clarifying that Planning Board members are not voted in, but commissioners are voted in office.

**Mayor Michael Becker:** Planning Board makes recommendations to Board of Commission for approval.

**Commissioner John Amodeo:** We have final vote.

**Saul Jacobs:** 2 N. Harding Ave. Inquires as to who made decisions regarding who was hired to create this Master Plan. Specifically mentions hiring of hospitality group.

**Commissioner John Amodeo:** Explained how the hospitality group was a subcontractor.

**Saul Jacobs:** 2 N. Harding Ave. Questioning how this sounds weird.

**Commissioner John Amodeo:** States questions are good. Explaining what professionals are involved and how a master plan is updated every ten years per state law.

**Saul Jacobs:** 2 N. Harding Ave. Stating he does understand.

**Commissioner John Amodeo:** Explains the bid process.

**Saul Jacobs:** 2 Harding Ave. Saying many issues involved with the bid process.

**Commissioner John Amodeo:** Questioning if Mr. Jacobs said politics as an issue.

**Saul Jacobs:** 2 Harding Ave. Stating he did not say politics.

**Commissioner John Amodeo:** Apologizing for questioning.

**Saul Jacobs:** 2 Harding Ave. Questioning a conflict of interest with who was hired to work on the master plan.

**Commissioner Maury Blumberg:** Asking that it be recognized all the efforts and time of the planning board, volunteers and those hired to update the master plan.

**Saul Jacobs:** 2 Harding Ave. Making comments while Commissioner Blumberg speaking.

**Commissioner Maury Blumberg:** Stating he will not argue with Mr. Jacobs and asks to finish speaking. Goes on to explain the proper channels that would have to be done when someone proposes building.

**Mayor Michael Becker:** Asking if anyone else for public comment.

**Joan Dasic:** 9600; questioning if there could be another avenue for public to receive information.

**Mayor Michael Becker:** Asking for her to make a recommendation.

**Commissioner Maury Blumberg:** Proposing that if a hotel overlay is ever proposed again that all residents of the city will be notified by mail.

**Joan Dasic:** 9600 States she will get back to commission with ideas as to how to notify residents.

**Randy Horvitz:** 93 Atlantic Ave. Thanks Commissioner Blumberg for bringing up the Ventura situation. Has heard many rumors about ideas for the Ventura property. Stating the impact on her condo with the changes on the beach. Asking for more transparency by city officials.

**Linda Goackler:** 120 N. Lancaster Ave. Thanking commissioners for tabling ordinance. Asking what is going to be done about Lucy and Richard Helfant.

**Mayor Michael Becker:** Responding Mr. Helfant does not work for the city.

**Linda Goukler:** 120 N. Lancaster Ave. Stating she has heard rumors that Lucy is going to be moved.

**Mayor Michael Becker:** Stating he has only seen this in newspaper.

**Commissioner Maury Blumberg:** She is too heavy to lift.

**Commissioner John Amodeo:** Lucy is not making another move.

**Linda Goukler:** 120 Lancaster Ave. Asking again what is going to be done about Lucy and Richard Helfant. Asking if the lease can be extended for Lucy to remain.

**Mayor Michael Becker:** Stating the city is still trying to negotiate a lease for Lucy. Current lease will be up in 2019. Requesting that Rich Deaney speak on this.

**Linda Goukler:** 120 Lancaster Ave. Asking for ways that the public can assist.

**Rich Deaney:** Stating Lucy is going nowhere. City will continue to support. Lucy is owned by the city.

**Mayor Michael Becker:** Newsletter went out today addressing the subject of Lucy.

**Elliott Jack:** 9511 Beach Ave. Wanting to clarify what he spoke about earlier. Looking for the commissioners not saying they are sorry for how the hotel overlay was handled.

**Glenn Walberg:** 9100 Atlantic Ave. Stating he is still looking for the commissioners to reply to his earlier question.

**Mayor Michael Becker:** Asking if this is in regard to his comments.



**Glenn Walberg:** 9100 Atlantic Ave. Saying this is in reference to comments made by Commissioner Blumberg.

**Commissioner Blumberg:** Questioning what is not clear. Stating there is no hotel overlay zone.

**Glenn Walberg:** 9100 Atlantic Ave. Stating he understands.

**Commissioner Maury Blumberg:** Spoke on how a proposed project has to be presented to get approval by planning board. Everyone has the right to make an application.

**Glenn Walberg:** 9100 Atlantic Ave. Saying Commissioner Blumberg's last comment has nothing to do with his question.

**Commissioner Maury Blumberg:** States he does not understand then.

**Glenn Walberg:** 9100 Atlantic Ave. Questioning a person has making an application to this board.

**Commissioner Maury Blumberg:** Clarifies that an application gets made to the planning and zoning board not to the commissioners.

**Glenn Walberg:** 9100 Atlantic Ave. Looking for clarification as to whether the board of commissioners has to give approval for these applications.

**Commissioner Maury Blumberg:** Stating commissioners do not have to give approval.

**Glenn Walberg:** 9100 Atlantic Ave. Questioning that if planning board had approved the last withdrawn proposal then it would have moved forward.

**Commissioner Maury Blumberg:** No

**Rich Deaney:** Explains that everyone has right to make an application, and why it is very difficult to get variances approved. Applications need to confirm with ordinances.

**Glenn Walberg:** 9100 Atlantic Ave. Questioning who made the decision to withdraw the resolution.

**Rich Deaney:** This board heard what the public wanted and discussed with him the best way to resolve. Also spoke to the solicitor. Need to give the commissioners credibility for hearing what the public wants.

**Glenn Walberg:** 9100 Atlantic Ave. Brings up the idea of a 20 story high-rise being built.

**Rich Deaney:** Per zoning laws this not permitted.

**Glenn Walberg:** 9100 Atlantic Ave. So it should be the same answer.

**Rich Deaney:** Stating no one is going to fund a hotel in Margate due to not having a twelve month season to support.

**Glenn Walberg:** 9100 Atlantic Ave. Stating that board would get the same reaction from the public if someone tried to get a high rise condo built.

**Roxanne Tosko:** 9100 Beach Questioning if anyone knows the current height restriction.

**Roger McLarnon:** Stating it depends if it is commercial or residential, and based first floor elevation.

**Roxanne Tosko:** 9100 Beach; Questioning if it is commercial.

**Roger McLarnon:** Would have to be 34 feet above first floor elevation.

**Roxanne Tosko:** 9100 Beach Questioning why did commission ever think about a hotel overlay in that particular zone. Questioning how people are allowed to park illegally on Atlantic Avenue and the overflow of parking from a larger building. Wants board to also look at COWA.

**Carol Christiansen:** 100 S. Osborne Ave. Questioning who is on planning board.

**Stephanie Zucker:** 4 N. Brunswick Ave. Questioning how many people on planning board

**Mayor Michael Becker:** Thirteen

**Stephanie Zucker:** 4 N. Brunswick Ave. Questioning how many Planning Board members are builders or contractors.

**Mayor Michael Becker:** Would have to look up to answer.

**Commissioner Amodeo:** Very diverse board.

**Stephanie Zucker:** 4 N. Brunswick Ave. Questioning if any developers on board.

**Commissioner John Amodeo:** No there are not

**Stephanie Zucker:** 4 N. Brunswick Ave. Questioning if planning board is open to the public. Requesting when planning board meets and time.

**Commissioner John Amodeo:** Meeting are held the third Thursday of the month.

**Stephanie Zucker:** 4 N. Brunswick Ave. Repeating the Third Thursday of every month. Questioning if the owner of Colmar is the head of the planning board.

**Commissioner John Amodeo:** Stating the chairman of the planning board is Richard Patterson.

**Stephani Zucker:** 4 N. Brunswick Ave. Asking if a Tom Collins is on the planning board

**Commissioner John Amodeo:** Replying yes he is. Next meeting is October 27<sup>th</sup> and is on website.

**Mayor Becker:** Informing everyone that the planning board schedule and who is on the board is on the city website.

**Commissioner John Amodeo:** Clarified that September minutes on website.

**Henry Hornstein:** 9100 Atlantic Ave.; Questioning what can the commissioners and solicitor do to prevent this from ever happening again. Suggesting condemning air rights over the Greenhouse for public purpose.

**Commissioner John Amodeo:** Questioning if this has ever been done anywhere in the New Jersey.

**Henry Hornstien:** 9100 Atlantic Ave. Does not know. This is just an idea.

**Commissioner Maury Blumberg:** This would be a far reach.

**Henry Hornstein:** 9100 Atlantic Ave. Stating this would be for a public purpose.

**Commissioner Blumberg:** Would not want anyone to do this to you.

**Henry Hornstein:** 9100 Atlantic Ave. Stating he would be compensated.

**Rich Deaney:** Stating it has to be for a public purpose.

**Henry Hornstein:** 9100 Atlantic Ave. Stating it is for a public purpose.

**Rich Deaney:** Have to look into legal aspects.

**Mayor Michael Becker:** In audible

**Commissioner John Amodeo:** Asking Mr. Hornstein to look into the legal aspects because he has a background in development.

**Henry Hornstein:** 9100 Atlantic Ave. Stating this has been done around airports and he will look into.

**Tony Jacovini:** 112 N. Vendome Ave.; Inquires as to the website be more user friendly and post information with enough time for people read and understand the information. Sat on planning board for fifteen years.

**Saul Jacobs:** 2 N. Artic Ave. Questioning how a golf course was built when the public did not want it. This could help him understand how a hotel could possible been built.

**Mayor Becker:** Assuming the owner went to the planning board with a proposal.

**Scott Abbott:** Explains the application process for the commercial use.

**Saul Jacobs:** 2A N. Harding Ave. Questioning if done between September thru February of last year.

**Scott Abbott:** Not sure when started.

**Saul Jacobs:** 2A N. Harding Ave. Asking if anyone else knows.

**Scott Abbott:** Within last year.

**Saul Jacobs:** 2A N. Harding Ave. Questioning if done in the summer months when more residents around.

**Commissioner John Amodeo:** Hearing in February or March

**Commissioner Maury Blumberg:** December

**Commissioner John Amodeo:** December

**Saul Jacobs:** 2A N. Harding Ave. Stating he believes this back door. Asking for someone to tell him who owns the golf course.

**Roger McLarnon:** Adventure Golf, Mark Vendonetto

**Commissioner John Amodeo:** Clarifying correct saying of name.

**Saul Jacobs:** 2A N. Harding Ave. Questioning who if he is a Margate resident or developer.

**Commissioner John Amodeo:** This is 5<sup>th</sup> golf course he has built.

**Saul Jacobs:** 2A N. Harding Ave. Questioning how much public information was given for the approval of the course.

**Commissioner John Amodeo:** Misunderstanding this.

**Rich Deaney:** Stating this had nothing to do with the commission. Explaining the zoning differences.

**Saul Jacobs:** 2A N. Harding Ave. Trying to say more about.

**Mayor Michael Becker:** Sir, we have a lot

**Saul Jacobs:** 2A N. Harding Ave. Stating the commissioners have say over who on planning board.

**Rich Deaney:** Explains how something could be denied.

**Saul Jacobs:** 2A N. Harding Ave. Questioning how Pirates Cove was not denied.

**Rich Deaney:** I have no idea

**Mayor Michael Becker:** Stating this has nothing to do with tonight.

**Saul Jacobs:** 2A N. Harding Ave. Stating what his message is.

**Mayor Michael Becker:** The Pirates Cove Uptown.

**Rich Deaney:** The owner withdrew.

**Mayor Michael Becker:** The owner withdrew.

**Rich Deaney:** I had forgotten

**Ed Blumenthal:** 11 S. Adams Clarifying that the planning board changed it from commercial to recreational designation. Stating that there was no notification or hearing about.

**Commissioner John Amodeo:** Our planner is here

**Roger McLarnon:** Mr. Blumenthal you are incorrect.

**Commissioner John Amodeo:** Proper notification is certified mail.

**Ed Blumenthal:** 11 S. Adams. Questioning land use. Changes.

**Roger McLarnon:** Amusement is allowed in a commercial zone.

**Ed Blumenthal:** 11 S. Adams Ave. Still no one was notified.

**Roger McLarnon:** Nothing changed.

**Jay Weintraub:** 10 N. Franklin Ave. Explains the history of both golf course. Questioning how the planning board approved the golf course

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 Resolutions:**

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

**ORDINANCES: Introduction:**

A motion to authorize Ordinance #22-2018 was put forth by Mayor Becker seconded by Commissioner Amodeo, with a vote of three ayes.

**THE CITY OF MARGATE CITY IN  
THE COUNTY OF ATLANTIC, NEW JERSEY**

**#22- 2018**

**BOND ORDINANCE APPROPRIATING TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) AND AUTHORIZING THE ISSUANCE OF TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) IN BONDS AND NOTES OF THE CITY OF MARGATE CITY FOR VARIOUS CAPITAL**

IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY  
THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

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

Section 1.     Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Margate City, in the County of Atlantic, New Jersey (the “City”). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000), including the aggregate sum of ONE HUNDRED TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$122,500) which is hereby appropriated from the Capital Improvement Fund of the City as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2.     Authorization of Bonds

For the financing of said improvements or purposes and to meet the TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) pursuant to the Local Bond Law of New Jersey (the “Local Bond Law”) and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.     Description of Projects

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

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIATION AND ESTIMATED <u>COST</u>	AMOUNT OF BONDS <u>OR NOTES</u>
(a) Construction of Amherst Avenue Bulkhead, including costs of surveying, construction, planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$843,560	\$801,382

(b) Various Municipal Roadway and Drainage Improvements, including without limitation improvements required for Safe Routes to Schools, 2017 State Aid Projects for Atlantic Avenue, Thurlow Avenue project and Bayshore Drive West project, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, design costs, construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$1,606,440      \$1,526,118

TOTAL

\$2,450,000      \$2,327,500

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

**Section 4.     Authorization of Notes**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer’s signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5.     Capital Budget**

The capital budget of the City of Margate is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local

Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

**Section 6. Additional Matters**

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

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

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **11.72 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding THREE HUNDRED THIRTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$313,750) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

**Section 7. Ratification of Prior Actions**

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

**Section 8. Application of Grants**

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

**Section 9. Full Faith and Credit**

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

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

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the

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

**Section 11. Effective Date**

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

A motion to authorize Ordinance #23-2018 was put forth by Commissioner Amodeo seconded by Commissioner Blumberg, with a vote of three ayes.

**ORDINANCE #23-2018**

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF**

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

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

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made to the water and sewer utility systems of the City of Margate City, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000). No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

**Section 2. Authorization of Bonds**

For the financing of said improvements or purposes and to meet the ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.



Section 3. Description of Project

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

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
Design and Construction of Storm Water Improvements and Drainage, including 2017 State Aid Projects – Atlantic Avenue; Thurlow Avenue; and Bayshore Drive West, and including all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,100,000	\$1,100,000
Total	<u>\$1,100,000</u>	<u>\$1,100,000</u>

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer’s signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5. Capital Budget**

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

**Section 6. Additional Matters**

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

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

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000), and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$188,500) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

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

**Section 7. Ratification of Prior Actions**

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

**Section 8. Application of Grants**

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

**Section 9. Full Faith and Credit**

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

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

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

**Section 11. Effective Date**

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

A motion to authorize Ordinance #24-2018 was put forth by Commissioner Blumberg seconded by Commissioner Amodeo, with a vote of three ayes.

**ORDINANCE #24 – 2018**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 "LAND USE" OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

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

**SECTION 1.** Section 175 captioned Land Use, including cover page and table of contents, is amended and adopted as contained in the attached revision.

**SECTION 2.** Appendix A, Checklist for Applications, is amended and adopted as contained in the revision attached hereto and made a part hereof.

**SECTION 3.** Appendix B, Plant Species List, is amended and adopted as contained in the revision attached hereto and made a part hereof.

**SECTION 4.** Schedule A-1, City of Margate Schedule of Uses Residential Districts, is amended and adopted as contained in the revision attached hereto and made a part hereof.

**SECTION 5.** Schedule A-2, City of Margate Scheduled Uses Nonresidential Districts, is amended and adopted as contained in the revision attached hereto and made a part hereof.

**SECTION 6.** All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 7:** This ordinance shall take effect upon its final passage and publication as required by law.

**ORDINANCES: Public Adoption:**

**RESOLUTIONS**

**RESOLUTION #189-2018  
MARGATE CITY BILL LIST / PAYROLL  
SEPTEMBER 20, 2018**

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

**BILLS LIST AMOUNT:** \$478,647.14

**PREVIOUSLY PAID:** \$

**PAYROLL ACCOUNT – September 13, 2018**

**CURRENT ACCOUNT** \$ 541,911.08

**WATER & SEWER** \$ 51,925.46

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

**ROLL CALL:**

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

**RESOLUTION #190-2018  
AMENDING DEPOSITORIES AND SIGNATORIES**

**WHEREAS,** the Board of Commissioners adopted Resolution #25-2018 Establishing Depositories and Signatories; and

**WHEREAS,** it has become necessary to amend Resolution #25-2018 to include UBS for the Lifeguard Pension Funds;

**BE IT RESOLVED** by the Board of Commissioners of the City of Margate City, New Jersey that the Chief Financial Officer, or her designee, is hereby authorized to utilize funds of the City of Margate City for investment purposes in any of the following institutions:

- 1. UBS

**BE IT FURTHER RESOLVED** that the following City Officials are hereby authorized as signatories:

- 1. City of Margate Lifeguard Pension Funds:

Lisa McLaughlin, Chief Finance Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the above authorizations of depositories and signatories be adopted by the governing body of the City of Margate, effective for the 2016 calendar year.

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

**RESOLUTION #191-2018**

**Renewal of the 2018-2019 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 2018-2019 license term has been deemed complete in all respects, the annual fees have been paid to both the City of Margate and the State of New Jersey, Division of ABC; and

**WHEREAS**, the City Commissioners of the City of Margate of the County of Atlantic, hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2018-2019 license term effective as of July 1, 2018 and subject to the conditions and limitations contained therein.

**LICENSEE**

**TRADE NAME**

MFB Willow, LLC  
0116-44-012-006

Inactive  
\$345.00

**NOW, THEREFORE, BE IT RESOLVED** by the City Commissioners of the City of Margate, County of Atlantic, State of New Jersey that authorization is hereby given to renew said licenses, effective July 1, 2018, the aforesaid liquor licenses for the license term 2018-2019; and

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

- 1. David Wolfson, Chief of Police
- 2. Lisa McLaughlin, Chief Finance Officer
- 3. Division of Alcoholic Beverage Control

**ROLL CALL:**

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

Blumberg		X	X			
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**RESOLUTION #192-2018**  
**AUTHORIZING AMENDING EMPLOYEE HANDBOOK/POLICY & PROCEDURE**  
**MANUAL TO REVISE SEVERAL POLICIES**

**WHEREAS**, The City of Margate has an Employee Handbook/Policy & Procedure Manual; and  
**WHEREAS**, The Board of Commissioners has determined that there is a need to amend such manual to revise a number of policies in accordance with the Atlantic County Municipal Joint Insurance Fund (ACMJIF) and the Municipal Excess Liability Joint Insurance Fund (MEL), 2019-2020 Plan of Risk Management; and  
**WHEREAS**, the revised policies are as follows:

<u>Policy No.</u>	<u>Title</u>
100	General Personnel Policy
101	Anti-Discrimination Policy
102	Americans With Disabilities Act Policy/NJ Pregnant Workers Fairness Act
103	Contagious or Life-Threatening Illnesses Policy
104	Safety Policy
105	Transitional Duty Policy
106	Drugs & Alcohol Policy
107	Workplace Violence Policy
108	General Anti-Harassment Policy
109	Anti-Sexual Harassment Policy
110	Whistle Blower Policy
111	Employee Complaint Policy
112	Grievance Policy
113	Access To Personnel Files Policy
114	Conflict of Interest Policy
115	Political Activity Policy
116	Employee Evaluation Policy
117	Employee Discipline Policy
118	Resignation Policy
119	Workplace Reduction Policy
120	Driver’s License Policy
<u>Policy No.</u>	<u>Title</u>
208	Communication Media Policy/Social Media Policy
503	Open Public Meetings Act Procedure Concerning Personnel Matters

**WHEREAS**, these personnel policies 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 policies attached hereto are hereby adopted and will be issued to employees via Power DMS; and  
**BE IT FURTHER RESOLVED** that these personnel policies 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, these policies and procedures shall prevail.  
**BE IT FURTHER RESOLVED** that these personnel policies and procedures are intended to provide guidelines covering public service by City employees and do not represent a contract. These policies 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.”

**ROLL CALL:**

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

**CITY OF MARGATE**  
Employee Handbook/Policy and Procedure Manual

## SECTION 1

POLICY NO.: 100

# OF PAGES: 1

**SUBJECT: GENERAL PERSONNEL POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

It is the policy of the City of Margate to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the City of Margate shall apply to all employees, volunteers, elected or appointed officials and independent contractors. **In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.**

All employees, officers and Department Heads shall be appointed and promoted by the Commissioner of the appropriate Department. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Board of Commissioners as well as the necessary budget appropriation and salary ordinance.

The Personnel Officer and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Board of Commissioners has appointed the Personnel Officer to implement personnel practices. The Personnel Officer shall also have access to the Employment Attorney appointed by the Board of Commissioners for guidance in personnel matters.

As a general principle, the City of Margate has a "no tolerance" policy towards workplace wrongdoing. City officials, employees and independent contractors are to report anything perceived to be improper. The City of Margate believes strongly in an Open Door Policy and encourages employees to talk with their Supervisor, Department Head, Personnel Officer or City Solicitor concerning any problem.

Adopted by the Board of Commissioners, the Personnel Policies and Procedures are intended to provide guidelines covering public service by City employees and is not a contract. These contain many, but not necessarily all of the rules, regulations and conditions of employment for City personnel. The provisions of these Policies and Procedures may be amended and supplemented from time to time without notice and at the sole discretion of the City of Margate

**To the maximum extent permitted by law, the employment practices of the City shall operate under the legal doctrine known as "employment at will." Within Federal and State law (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the City shall have the right to terminate an employee at any time and for any reason, with or without notice, except the City shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.**

**CITY OF MARGATE**  
Employee Handbook/Policy and Procedure Manual

## SECTION 1: Policies Relating to Employee Rights &amp; Obligations

POLICY NO.: 101

# OF PAGES: 1

**SUBJECT: ANTI-DISCRIMINATION POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The City of Margate is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the City discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy-related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Personnel Officer, or the City Solicitor

**CITY OF MARGATE****Employee Handbook/Policy and Procedure Manual****SECTION 1: Policies Relating to Employee Rights & Obligations**

POLICY NO.: 102

# OF PAGES: 1

**SUBJECT: AMERICANS WITH DISABILITIES ACT POLICY/NEW  
JERSEY PREGNANT WORKER'S  
FAIRNESS ACT**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the City of Margate does not discriminate based on disability, pregnancy, pregnancy-related medical condition or childbirth. The City will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the City to comply with all relevant and applicable provisions of the Americans with Disabilities, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding, or pregnancy-related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the City.

The Personnel Officer shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations, or their



respective physician. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodation shall be made by the Personnel Officer. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the City to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting City facilities. Any questions concerning proper assistance should be directed to the Personnel Officer.

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**POLICY NO.:** 103

**# OF PAGES:** 1

#### **SUBJECT: CONTAGIOUS OR LIFE-THREATENING ILLNESSES POLICY**

**EFFECTIVE DATE:** October 1, 2018  
September 20, 2018

**REVIEW DATE:**

**REPLACES POLICY DATED:** 2016

The City of Margate encourages employees with contagious illnesses or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The City shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the City.

The City will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

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POLICY NO.: 104

# OF PAGES: 1

**SUBJECT: SAFETY POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The City of Margate will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The City is equally concerned about the safety of the public. Consistent with the policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving City facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

The City has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

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POLICY NO.: 105

# OF PAGES: 1

**SUBJECT: TRANSITIONAL DUTY POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The City will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 work days. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Personnel Officer as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The Personnel Officer will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Personnel Officer will decide if it is in the best interest of the City to approve a transitional duty request and will notify the employee of the decision. The City reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Personnel Officer who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Personnel Officer. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Personnel Officer informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason.) If, at the end of the transitional duty period, the employee is not able to return to work without restrictions, the City reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy, or other Federal or State law.

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POLICY NO.: 106

# OF PAGES: 2

#### **SUBJECT: DRUGS & ALCOHOL POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The City of Margate recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicion to the Personnel Officer.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department Heads who observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on City premises or during work hours by employees is strictly prohibited.

Employees must notify their Supervisor within five (5) days of **conviction** for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random alcohol and controlled substance testing as required by the federal government. Please see the City's CDL Drug & Alcohol Policy No. 121.

Employees using prescription drugs that may affect job performance or safety must notify the Personnel Officer or their Department Head, who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act (HIPPA). City personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses (CDL) Drug and Alcohol Testing Policy. A program to assist employee who may have a drug/alcohol problem is provided through the City's Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on City property or while performing City business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

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**POLICY NO.:** 107

**# OF PAGES:** 1

#### **SUBJECT: WORKPLACE VIOLENCE POLICY**

**EFFECTIVE DATE:** October 1, 2018  
September 20, 2018

**REVIEW DATE:**

**REPLACES POLICY DATED:** 2016

The City of Margate will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on City property, at City events or under other circumstances that may negatively affect the City's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on City property or while on City business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The City will actively intervene in any potentially hostile or violent situation.

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POLICY NO.: 108

# OF PAGES: 1

**SUBJECT: GENERAL ANTI-HARASSMENT POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

It is the City of Margate's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical hereditary, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy No. 111.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the City generally. The City cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

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POLICY NO.: 109

# OF PAGES: 2

**SUBJECT: ANTI-SEXUAL HARASSMENT POLICY**EFFECTIVE DATE: October 1, 2018  
September 1, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

It is the City of Margate's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The City prohibits sexual harassment from occurring in the workplace or at any other location at which City sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Complaint Policy No. 111.

Harassment of City employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by an employee to appropriate personnel of any harassment problem is essential to the success of this policy and the City generally. The City cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

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POLICY NO.: 110

# OF PAGES: 1

**SUBJECT: WHISTLE BLOWER POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Seasonal Employee Manual. All complaints will be taken seriously and promptly investigated.

The City shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a Supervisor, Department Head, the Business Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of a Supervisor, Department Head, the City Solicitor, or the Business Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See the Employee Complaint Policy. Under the law, the employee must give the City a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

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# OF PAGES: 1

**SUBJECT: EMPLOYEE COMPLAINT POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their Supervisor; or, if they prefer, or do not think that the matter can be discussed with their Supervisor, they should contact the Department Head, the Business Administrator, or the City Solicitor. Reporting of such incidents is encouraged, both when an employee feels that he or she is subjected to such incidents, or an employee observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but they may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their Supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against any individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report of the incident.

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POLICY NO.: 112

# OF PAGES: 1

**SUBJECT: GRIEVANCE POLICY**EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016



A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the City. **Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement.** All grievances from non-union employees must be presented within five (5) working days after arising, and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than 30 working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the Supervisor or Department Head who will discuss the matter with the Personnel Officer. The Supervisor or Department Head will communicate the decision to the employee within two (2) working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Personnel Officer detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting with the City Solicitor as appropriate, the Personnel Officer will render a written decision to the employee within five (5) working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

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POLICY NO.: 113

# OF PAGES: 1

#### **SUBJECT: ACCESS TO PERSONNEL FILES POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The official personnel file for each employee shall be maintained by the Personnel Officer. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate locked file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on City premises in the presence of the Personnel Officer, or a designated Supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases; and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the City may obtain will be maintained in a separate, locked file and will be treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The City endeavors to maintain the privacy of personnel records. There are limited circumstances in which the City will release information contained in personnel or medical records to persons outside the City. These circumstances include:

- In response to a valid subpoena, court order, or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the City's compliance with applicable law;
- To the City's agents and attorneys, when necessary.
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the City are parties;
- In a Worker's Compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment, as described in "Requests for Employment Verification and Reference Procedure," Policy No. 511.

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**POLICY NO.:** 114

**# OF PAGES:** 1

#### **SUBJECT: CONFLICT OF INTEREST POLICY**

**EFFECTIVE DATE:** October 1, 2018

**REVIEW**

**DATE:** September 20, 2018

**REPLACES POLICY DATED:** 2016

Employees including City officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the City of Margate. Violations of this policy will result in appropriate discipline including termination.

The City recognizes the right of employees to engage in outside activities that are private in nature and unrelated to City business. However, business dealings that appear to create a conflict between the employee and the City's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Personnel Officer a state mandated disclosure form. The Personnel Officer will notify employees and City officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a City official, is in a position to influence a City decision that may result in a personal gain for the employee or an immediate relative, including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the City may assess and prevent potential conflicts. If there are any questions whether an action or a proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator or the City Solicitor to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their City responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using City time, supplies or equipment in the outside employment activities. The Personnel Officer may request employees to restrict outside employment if the quality of City work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the City must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their City duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the City or any person or firm seeking to influence City decisions. Meals and other entertainment valued in excess of \$25.00 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

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**POLICY NO.:** 115

**# OF PAGES:** 1

**SUBJECT: POLITICAL ACTIVITY POLICY**

**EFFECTIVE DATE:** October 1, 2018

**REVIEW**

**DATE:** September 20, 2018

**REPLACES POLICY DATED:** 2016

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using City time, supplies or equipment in any political activity. Any violation of this policy must be reported to the Supervisor, the Department Head, the Business Administrator, or the City Solicitor.

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**POLICY NO.:** 116

**# OF PAGES:** 1

**SUBJECT: EMPLOYEE EVALUATION POLICY**

**EFFECTIVE DATE:** October 1, 2018

**REVIEW**

**DATE:** September 20, 2018

**REPLACES POLICY DATED:** 2016

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement, at least once a year. The evaluation will also record additional duties performed, educational courses completed, as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the Supervisor or the Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Personnel Officer. After review, the form(s) are to be filed in the employee's official Personnel File. As a part of the evaluation, employees have the right to request a conference with the Personnel Officer.

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POLICY NO.: 117

# OF PAGES: 3

**SUBJECT: EMPLOYEE DISCIPLINE POLICY**EFFECTIVE DATE: October 1, 2018  
September 1, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the City, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on City property at any time.
- Being under the influence of intoxicants (e.g. liquor) or illegal drugs (e.g. cocaine or marijuana) on City property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on City property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on City premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to City or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on City premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absenteeism; abuse of sick leave.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other City or supplier property.

- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential City information.
- Gambling on City premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on City premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violating any City rules or policies.
- Conduct unbecoming a public employee.
- Violation of City policies, procedures and regulations.
- Violation of Federal, State or City laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Taking a leave of absence for one purpose and using it for a different purpose; working while on a leave of absence.
- Unauthorized use of computers, Internet and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure (and Civil Service procedure). In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the City believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, Supervisors and Managers may utilize the following corrective tools: verbal reprimand; Personnel Office review; written reprimand; suspension; fine; and dismissal. At the discretion of the City, action may begin at any step, and/or certain steps may be repeated, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Neither this policy, nor any other City guidelines, policies or practices create an employment contract. Employment with the City of Margate may be terminated at any time with or without cause or reason by the employee or the City.

## **CITY OF MARGATE**

### **Employee Handbook/Policy and Procedure Manual**

#### **SECTION 1: Policies Relating to Employee Rights & Obligations**

**SUBJECT: RESIGNATION POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their Supervisor and co-workers by providing information concerning their current projects and by helping to train a replacement. The Department Head will prepare a Margate Separation of Employment Form showing any pay or other money owed the employee. The Personnel Officer will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, and all City keys and equipment. At that time, the employee will sign the Separation of Employment form designating all money owed, and this form will be retained in the official Personnel File.

**CITY OF MARGATE**

Employee Handbook/Policy and Procedure Manual

POLICY NO.: 119

# OF PAGES: 1

**SUBJECT: WORKFORCE REDUCTION POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

Pursuant to N.J.A.C . 4A: 8-1.1, the City may institute layoff actions for economy, efficiency or other related reasons; but they will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the New Jersey Department of Personnel/Civil Service Commission.)

**CITY OF MARGATE**

Employee Handbook/Policy and Procedure Manual

POLICY NO.: 120

# OF PAGES: 1

**SUBJECT: DRIVER'S LICENSE POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

Any employee whose work requires the operation of City vehicles must hold a valid New Jersey State Driver's License.

All new employees, who will be assigned work entailing the operation of a City vehicle, will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employees' driver's licenses through visual and formal Department of Motor Vehicles driving records checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a City vehicle must notify the immediate Supervisor in those cases where a license is expired, suspended or revoked, and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee who fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to report immediately such revocation or suspension to their Supervisor and who continues to operate a City vehicle shall be subject to possible termination.

Any information obtained by the City in accordance with this policy shall be used by the City only for carrying out its lawful functions and for other lawful purposes, in accordance with the Driver's Privacy Protection Act (18 U.S.C. S2721 et seq.).

## CITY OF MARGATE

### Employee Handbook/Policy and Procedure Manual

#### SECTION 2: Workplace Policies

POLICY NO.: 208

# OF PAGES: 5

#### **SUBJECT: COMMUNICATION MEDIA POLICY/SOCIAL MEDIA POLICY**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

The City's Communication Media are the property of the City and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" include all electronic media forms provided by the City, such as cell phones, smart phones, computers, electronic tablets, access to the Internet, voicemail, email and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during City work time on City equipment without prior authorization from the Administration to do so.

All data stored on and/or transmitted through Communication Media is the property of the City. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a City business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the City's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and any other hardware components of the City's local or wide-area networks."

The City respects the individual privacy of its employees. However, employee communications transmitted by the City's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the City. The City reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the City's Communication Media.** By using the City's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by City personnel. The existence of passwords does not restrict or eliminate the City's ability or right to access electronic communications. However, pursuant to New Jersey law, the City cannot require the employee to provide the password(s) to his/her personal account(s).

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the City are required to use the assigned municipal email account for ALL City business and correspondence. The use of private email accounts for ANY City business or during business hours is strictly prohibited. Employees are hereby advised that, if they conduct work-related business on their personal emails, cell phones, or other Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this Social Media Policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protect concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their Supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the City's Communication Media for legitimate business purposes. Employees may not use the City's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any City rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under Federal, State or Local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the City's equipment or on the employee's own personal Communication Media.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the City. Certain data, or applications that process data, may require additional security measures as determined by the City. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the City's information (data and software) from accidental or intentional unauthorized disclosure, modification or loss. Information security is managed under guidelines dealing with identification, authentication, authorization production environment and ability to audit. All employees should be familiar with such security measures adopted by the City.

All employees may access only data for which the City has given permission. All employees must take appropriate actions to ensure that City data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All City data must be stored centrally as required by the City. This provides greater security, and it ensures that backup of all City data is performed.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the City's computing environment.

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof without the express written permission from the City. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City, or licensed to the City. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed.



The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

**Social Media**

Social media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administration may engage in social media activity during work time through the use of the City's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential City information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need-to-know and a right-to-know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also include criminal history information, confidential informant identification, and intelligence and tactical operations files.

No City employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Business Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the City's Communication Media to any person, entity, business or media or Internet outlet, whether on-duty or off-duty without the express written permission of the Business Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the City. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the City's Communication Media. If such situation occurs, employee agrees that any images belong to the City and agree to release the image to the City and ensure its permanent deletion from media device upon direction from the City.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the City or on behalf of the City, through the use of the City's Communications Media may be issued unless it has first been approved by the City's Administration. Specifically, employees are forbidden from using the City's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the City's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related occurrences.

Because authorized postings placed on the Internet through the use of the City's Communication Media will display on the City's return address, any information posted on the Internet must reflect and adhere to all of the City's standards and policies.

All users are personally accountable for messages that they originate or forward using the City's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Business Administrator is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public City and other third-party rights. Any use of the City's name, logos, service marks or trademarks outside

the course of the employee's employment, without the express consent of the City is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a City employee on their personal social media accounts, and even those that do not, they should be aware that he/she may be viewed as acting on behalf of the City; as such no employee shall knowingly represent themselves as a spokesperson of the City, post any comment, text, photo, audio, video, or other multimedia file that negatively reflects upon the City expresses views that are detrimental to the City's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. City employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as City employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above the employees will not be subject to discipline or retaliation for expressing views opinions, and/or facts surrounding the City's employment policies. For all other communications by employees on personal social media sites in which matters related to the City are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the City, and that the employees are expressing their own personal views. For example: **"The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer."** The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the City or the City's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions within this social media policy, or are in violation of Federal, State, or Local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the City Administration.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All City employees have the right to engage in or refrain from such activities.

### **Use of Internet**

The City provides Internet access to its employees in order to make a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the City, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable Federal, State and Local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, information or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the City's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above, the City reserves the right to monitor employees' Internet usage. In addition, the City has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

## **CITY OF MARGATE**

### **Employee Handbook/Policy and Procedure Manual**

#### **SECTION 5: Policies Relating to Managerial/Supervisory Procedures**

POLICY NO.: 503

# OF PAGES: 1

#### **SUBJECT: OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS**

EFFECTIVE DATE: October 1, 2018  
September 20, 2018

REVIEW DATE:

REPLACES POLICY DATED: 2016

Discussions by the governing body or any public body of the City of Margate concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the City and recent court decisions.

### **RESOLUTION #193-2018 CITY of MARGATE CITY CIVIL RIGHTS**

#### **A RESOLUTION TO AFFIRM THE MARGATE CITY'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of Margate City to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the Board of Commissioners of the City of Margate City has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Board of Commissioner of Margate City that:

**Section 1:** No official, employee, appointee or volunteer of the City of Margate City by whatever title known, or any entity that is in any way a part of the City of Margate City shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City of Margate City's business or using the facilities or property of the City of Margate City.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization

or support in any way from the City of Margate City to provide services that otherwise could be performed by the City of Margate City.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the City of Margate City as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City of Margate City. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City of Margate City’s web site.

**Section 9: This resolution shall take effect immediately.**

**Section 10: A copy of this resolution shall be published in the official newspaper of the City of Margate City in order for the public to be made aware of this policy and the City of Margate City’s commitment to the implementation and enforcement of this policy.**

ROLL CALL:

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

**Resolution #194-2018**

**A RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF ATLANTIC CITY AND THE CITY OF VENTNOR CITY TO PURCHASE SELF CONTAINED BREATHING APPARATUS AND ASSOCIATED EQUIPMENT**

**WHEREAS**, the Board of Commissioners of the City of Margate are desirous of entering into an agreement with the City of Atlantic City and the City of Ventnor City for the Purchase of Self Contained Breathing Apparatus (SCBA) and associated Equipment as part of the FEMA AFG Regional Grant (Federal Emergency Management Agency Assistance for Firefighters Grant) that has been awarded to all three communities; and

**WHEREAS**, said the City of Atlantic City will be the lead agency in the purchasing process and the City of Margate will agree to pay the City of Atlantic City the 10% share of the Grant as the City of Atlantic City would be paying the approved vendor the full cost of said purchase; and

**WHEREAS**, An Agreement has been presented and reviewed and is found to be acceptable; and

**NOW, THEREFORE, BE IT RESOLVED**, that Board of Commissioners of Margate City, State of New Jersey, do hereby certify that the forgoing resolution was duly adopted at a Regular Meeting of the Board of Commissioners of Margate, held this 20<sup>th</sup> day of September, 2018.

ROLL CALL:

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

**RESOLUTION 195-2018**  
**A RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURE**  
**MANUAL TO BE KNOWN AS**  
**“SEASONAL EMPLOYEE HANDBOOK”**

**WHEREAS**, it is the policy of the City of Margate to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to: Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act.

**WHEREAS**, the Board of Commissioners has determined that there is a need for clear personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Board of Commissioners that the “Seasonal Employee Handbook” attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event 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, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this “Seasonal Employee Handbook” is intended to provide guidelines covering public service by City employees and is not a contract. The provisions of this handbook 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.”

**BE IT FURTHER RESOLVED** that the Business Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney and the Personnel Clerk shall assist the Business Administrator in the implementation of the policies and procedures in this handbook.

ROLL CALL:

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

**RESOLUTION # 196-2018**  
**DECLARING CLOSED SESSION**

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

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

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

C1. Pending Litigation with the City Attorney over Lamberti’s Restaurant
3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the City of Margate and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person(s) in the same manner as any meeting minutes of the City of Margate.
4. This resolution shall take effect immediately.

ROLL CALL:

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

A motion to come out of Exertive Session was put forth by Commissioner Amodeo, seconded by Mayor Becker with a vote of three ayes.

A motion to reconvene to the regular meeting was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo with a vote of three ayes.

**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 Commissioner Blumberg to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 6:20 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