

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

May 4, 2017

MARGATE CITY, NEW JERSEY

THE PRESS AND THE DOWNBEACH CURRENT WERE NOTIFIED OF THESE MEETINGS AND A COPY OF SAME WAS POSTED ON THE BULLETIN BOARD AND THE MUNICIPAL WEBSITE

The Regular Meeting of the Board of Commissioners was held on the above date at 4:45 p.m. The meeting began with a flag salute and roll call: Mayor Becker and Mr. Amodeo were present. Mr. Amodeo informs the public that Mr. Blumberg is absent due to picking his daughter's up from college. Chief Wolfson, Mr. Deaney and Mr. Abbott were also present. The minutes from April 6, 2017, Workshop, Regular and Capital were approved as read on motion by Mr. Amodeo, second by Mayor Becker with a vote of two ayes.

Public Comment:

Art Cautilli - 113 N. Lancaster Ave. - Speaks on Board of Education spending and the Bond Ordinance.

John Sewell- 22 West Drive- Speaks on County PILOT Program not being supported by the Commission and spending being excessive.

Steve Woerner- 103 N. Sumner- Speaks on spending in the Police Dept. and Fire Dept. Request an independent audit for both departments.

Seeing that there were no further comments, a motion to close the Public Comments was put forth by Mr. Amodeo, second by Mayor Becker with a vote of two ayes.

Public Comment on Resolutions and Ordinance Adoption:

Seeing that there were no further comments, a motion to close the Public Comments on Resolutions or Ordinance items was put forth by Mr. Amodeo, second by Mayor Becker with a vote of two ayes.

Ordinance Introduction:

A motion to introduce Ordinance #08-2017 was put forth by Mayor Becker, second by Mr. Amodeo

CITY OF MARGATE CITY ORDINANCE #08-2017**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 145 “FLOOD HAZARD AREAS” OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY.**

BE IT ORDAINED by the Board of Commissioners of the City of Margate City as follows:

WHEREAS, The Mayor and Board of Commissioners of the City of Margate City, New Jersey find that the prevention of flooding is an urgent matter; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control, by letter of February 4, 2013 has instructed the Mayor and local Floodplain Administrator that in order for the residents of the City of Margate City to be eligible for Increased Cost of Compliance (ICC) and other federal hazard mitigation grant funds, it is recommended that your community readopt its current Local flood Damage Prevention Ordinance to meet or exceed the requirements of the amended Flood Hazard Area Control Act Rules; and

WHEREAS, The Legislature of the State of New Jersey has in *N.J.S.A. 40:48-1, et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

THEREFORE, the Mayor and Board of Commissioners of the City of Margate City, New Jersey does ordain as follows.

**SECTION I
STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

§145-1: STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in *N.J.S.A. 40:48-1, et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the City of Margate City, Atlantic County, New Jersey does ordain as follows:

§ 145-2: FINDINGS OF FACT

(A) The flood hazard areas of the City of Margate City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§145-3: PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§145-4: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage throughout their intended life span;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2 DEFINITIONS

§145-5. DEFINITIONS

A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its' most reasonable application.

“Advisory Base Flood Elevation (ABFE)” means the elevation shown on a community’s Advisory Flood Hazard Map that indicates the advisory still water elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

“Advisory Flood Hazard Area (AFH)” means the land in the floodplain within a community subject to flooding from the 1 % annual chance event depicted on the Advisory Flood Hazard Map.

“Advisory Flood Hazard Map” means the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

“Agency” means the Federal Emergency Management Agency, Washington, DC.

“Appurtenant Structure” “Accessory Structure” means a structure that is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure.

"Appeal" means a request for a review of the Construction Official/Floodplain Manager's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99 or AH.

"Base Flood Elevation (BFE)" The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the Stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

“Best Available Flood Hazard Data – The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Work Maps or Preliminary FIS and FIRM.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

“Building” see structure.

“Building Height” (Margate Requirement) the vertical height of a structure or building measured from the minimum first floor elevation of the structure or building to the highest point of the coping of a flat roof, or the highest gable of a pitched roof. The first floor elevation for all new construction, substantial improvements and substantial additions shall be based on one foot freeboard in any A Zone and two feet in any V Zone above the new ABFE or any subsequent flood hazard maps promulgated by the Federal Emergency Management Administration.

“Certification” means a certification by a registered professional engineer or other party, does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier’s knowledge. Certification of analysis is a statement that the analysis has been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of “as built” conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

“Coastal High-Hazard Area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30.

“Community Rating System” means the National Flood Insurance Program’s (NFIP) Community Rating System (CRS) which is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.

“Critical Facility” means a facility for which a moderate chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazard

“Design Flood Elevation” shall be the base flood elevation plus one foot and in the V-zone shall be base flood elevation plus two feet.

“Development” means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

“Digital Flood Insurance Rate Map (DFIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Elevated building” means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor or in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard “elevated buildings” also includes a

building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls.

“Enclosure” means a non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The storage permitted in an enclosure shall be limited to that which is incidental and accessory to the principal use of the structure. Storage should be limited to items such as lawn and garden equipment, beach chairs, and bicycles which either have a low damage potential or that can be easily moved to the elevated portion of the building if there is a flood.

“Erosion” means the process of the gradual wearing away of land masses.

“Existing construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975.

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map” (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Management” means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, requirements for zoning, subdivision or building, and special purpose floodplain management regulations.

“Floodplain Management Regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Higher Regulatory Standard” means any floodplain management regulations adopted by the State or Local Community which are more restrictive than the criteria set forth in the NFIP regulations.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

“Increase Cost of Compliance (ICC)” means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of New Jersey and the City of Margate Floodplain management laws or ordinances after a direct physical loss by flood, the City of Margate City declares the structure to be “substantially” or “repetitively” flood damaged. ICC coverage is provided for in every standard NFIP flood policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

“Lateral Addition” are improvements that increase the square footage and footprint of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a “substantial improvement”, then the existing home and addition needs to be elevated to the higher regulatory standard pursuant to the 1) Base Flood Elevation (BFE), 2) Advisory Base Flood Elevation (ABFEs), 3) Best Available Data, whichever is greater, or any subsequently released flood hazard maps as established by FEMA.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Manufactured Home Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Market Value" pertains to the structure in question, not the land, landscaping or detached accessory structures on the property. The market value of a structure reflects its original quality, subsequent improvements, physical age of the building components and current condition.

"Mean Sea Level" means, for purposes of the report Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), the National Geodetic Vertical Datum (NGVD) of 1929, is the elevation to which base flood elevations shown are referenced in regards to the average height of the sea for all stages of the tide. For the purpose of the Advisory Flood Hazard Maps, the North American Vertical Datum (NAVD) 1988 is the reference to which base flood elevations shown are reference I regards to the average height of the sea for all stages of the tide.

"New Construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Participating Community" also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

Preliminary Flood Insurance Rate Map (FIRM) – means the draft version of the FIRM released for public comment before finalization and adoption.

“Preliminary Regulatory Maps and Working Maps” means the flood hazard maps that will supersede the Advisory Flood Hazard Maps and shall be the basis of delineation of the areas of flood hazards applicable to the City of Margate City upon their release to the public by FEMA.

“Primary Frontal Dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Repetitive Loss” means

- a. Four or more paid flood losses of more than \$1,000 each or,
- b. Two paid flood losses within a 10-year period that, in the aggregate, equal or exceed the current value of the insured property; or
- c. Three or more paid losses that, in the aggregate, equal or exceed the current value of the insured property.

“Sand Dunes” means naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

“Severe Repetitive Loss” means any residential property that is covered under an NFIP flood insurance policy and:

- (a) That has at least four NFIP claim payments (building payments and contents) over \$5,000 each, and the cumulative amount of such claims payments exceeds \$20,000; or
- (b) For which at least two separate payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building.

For both (a) and (b) above, at least two of the referenced claims have occurred within any ten-year period, and must be greater than 10 days apart.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the

construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Accumulative Substantial Damage – Any reconstruction, rehabilitation, addition or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted accumulatively for 7 years.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed **50 percent** of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 7 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure during a **7 year period** the cost of which exceeds **50 percent** of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "accumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss".

The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

SECTION 3 GENERAL PROVISIONS

§ 145-6. LANDS TO WHICH THIS ORDINANCE APPLIES - APPLICABILITY

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Margate City, Atlantic County, New Jersey.

§145-7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Margate City Community No. 345304, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (a) A scientific and engineering report entitled “Flood Insurance Study Supplement-Wave Height Analysis, City of Margate City, New Jersey, Atlantic County,” dated April 18, 1983.
- (b) Flood Insurance Rate Map for City of Margate City, Atlantic County, New Jersey as shown on Panel 0001 C whose effective date is October 18, 1983.
- (c) Advisory Base Flood Elevations from Advisory Flood Hazard Maps “Atlantic City, NW”, “Ocean City NE” dated December 14, 2012. These documents shall take precedence over only Base Flood Elevations (BFEs) previously derived from effective panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) BFE and the Advisory Base Flood Elevation (ABFE) conflict or overlap, whichever imposes the more stringent requirement shall prevail.
- (d) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping conflicts or overlaps with the Best Available Flood Hazard Data mapping, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Municipal Building, 9001 Winchester Avenue, Margate City, New Jersey 08402.

§145-8. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than (\$500) or imprisoned for not more than (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Each and every day any violation continues shall be considered a separate offense, punishable by a like fine and/or jail sentence. Nothing herein contained shall prevent the City of Margate City from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 145-9. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§145-10. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

§145-11. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Margate City, or by any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**SECTION 4
ADMINISTRATION****§145.12. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A. All elevations shall be measured in feet relative to the North American Vertical Datum of 1988 (NAVD88). The use of National Geodetic Vertical Datum of 1929 shall not be acceptable.

B. A Development Permit shall be submitted, prior to undertaking any development activities, to the Floodplain Management Administrator on forms furnished by him or her, and must include, but not limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, and other protected areas; the location of the foregoing.

Specifically, the following information, certified by a professional who is authorized to certify such information in the State of New Jersey, is required:

(1) Application Stage:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been flood-proofed.
- (c) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria and,
- (d) Existing and proposed infrastructure.
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (f) Building plans for any walls to be used to enclose space below the base flood elevation.

(2) Construction Stage:

Upon the placement of the top of block, the lowest floor or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify

such information in the State of New Jersey, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

(3) The Floodplain Administrator shall review the lowest floor elevation and flood-proofing certificate. Should these documents be found not in conformance with the requirements of this ordinance, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and flood-proofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

§ 145-13. DESIGNATION OF THE FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR

The Governing Body of the City of Margate City hereby appoints the Construction Official/Floodplain Administrator to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions and is hereby referred to as the Floodplain Management Administrator, or the Floodplain Administrator.

§ 145-14. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official/Floodplain Administrator shall include, but not be limited to:

A. PERMIT REVIEW. The Construction Official Shall:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review certified plans and specifications for compliance with the requirements of this ordinance.
- (4) Review all development permits in the areas of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For the purpose of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface of the base flood more than 0.2 foot at any point.

- (5) Review all development permits in the coastal high-hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- (6) Review plans for walls to be used to enclose space below the base flood elevation.
- (7) Coordinate with Planning, Zoning, and Public Works and other Departments in the community to assure that the requirements of this ordinance are fully met.
- (8) Participate actively in evaluating the variance requests and provide input and recommendations in variance hearings/proceedings.

B. USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 145.7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official/Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 145-18A, SPECIFIC Provisions for Flood Hazard Reduction, Residential Construction, and 145-18B, SPECIFIC Provisions for Flood Hazard Reduction, Nonresidential Construction.

C. INFORMATION TO BE OBTAINED AND MAINTAINED

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood-proofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the flood-proofing certifications required in Section 145-13 B(c).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (4) In coastal high hazard areas, obtain certification from a registered professional engineer or architect that the elevation requirements of Section 145-19 B(1) and anchoring requirements of Sections 145-19 B(2).
- (5) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior

to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

F. CRITICAL FACILITIES

Construction of new Critical Facilities shall have the lowest floor elevated at 2 feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevations shall be provided to all critical facilities to the maximum extent possible.

§145-15. VARIANCE PROCEDURE

A. APPEAL BOARD

- (1) The Planning Board, as established by the City of Margate City shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Planning Board of the City of Margate City shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official/Floodplain Manager in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h & 18.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;

- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the waters and the effects of wave action, if applicable, expected at the site;
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - (l) The request for a variance is not an after-the-fact request.
- (5) Upon consideration of the factors of this chapter and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The Construction Code Official/Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

- (1) Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing items (a-l) in Section 145-16A have been fully considered. As the lot size increases beyond the one-half acre, the technical justification for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a

determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.

(4) Variances may be issued when there is:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinance.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

§145-16. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. ANCHORING

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. CONSTRUCTION MATERIALS AND METHODS

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. UTILITIES

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. SUBDIVISION PROPOSALS

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

E. ENCLOSURE OPENINGS. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§ 145-17. Specific Provisions for Flood Hazard Reduction.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 145-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 145-15B , Use of Other Base Flood Data, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot of freeboard in any A Zone or two feet of freeboard in a V Zone.
2. Require within any A Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

B. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard Area (SFHA), all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, together with the attendant utilities and sanitary facilities:

- (1) Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot of freeboard in any A Zone or two feet of freeboard in a V Zone; and
- (2) Require within any A zone on the municipality's FIRM that all new Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade one

foot above the depth number specified in feet (at least three feet if no depth number specified) or at or above the advisory base flood elevation plus one foot of freeboard in any A Zone or two feet of freeboard in any V Zone. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

(3) Be flood proofed so that below the base flood level plus one foot, or advisory base flood elevation plus one foot of freeboard in any A Zone or two feet of freeboard in a V Zone; the structure is watertight with walls substantially impermeable to the passage of water;

(4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(5) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection shall be required. Such certification shall be provided to the official as set forth in SECTION.

C. MANUFACTURED HOMES

(1) Manufactured homes shall be anchored in accordance with Section 145-17.

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation, plus the applicable freeboard the same being one foot in any A Zone and two feet in any V Zone.

§ 145-18. COASTAL HIGH HAZARD ZONES

Coastal high-hazard areas (V or VE Zones) are located within an area of special flood hazard established in Section 145-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash: therefore, the following provisions shall apply:

A. LOCATION OF STRUCTURES

(1) All buildings or structures, with the exception of those buildings or structures currently in existences, shall be located landward of the reach of the mean high tide.

(2) Any building or structure currently in existence and being beyond the mean high tide may be replaced in the same or lesser footprint, subject to NJ DEP approval.

B. CONSTRUCTION METHODS

(1) Elevation – all new construction and substantial improvements shall be elevated on piling or columns so that;

- (a) the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns), is elevated to or above the base flood elevation (published FIS/FIRM), the advisory base flood elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23) whichever is more restrictive plus two (2) feet of freeboard, and
- (b) for all new construction and substantial improvements within the coastal high hazard areas (V or VE Zones) as delineated by the published Flood Insurance Rate Map (FIRM) or the best available flood hazard data (whichever is more restrictive) shall have all space below the lowest floor's supporting member open so as to not impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

(2) Structural Support

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
 - (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values, each of which shall have a one-percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).
 - (c) There shall be no fill used for structural support.
- (3) Certification – a registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Subsection B(1) and and (b).
- that
- (2)(a)

(4) Space below the lowest floor (enclosure below BFE)

- (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood latticework or insect screening are used as provided for in this section.
- (b) Breakaway walls, open wood latticework or insect screening shall be allowed below the base flood elevation, provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural

damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood.
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components, structural and nonstructural. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State and local building standards.
- (3) If breakaway walls are utilized, such enclosed space shall be use solely parking of vehicles, building access or storage and not for human habitation.
- (4) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.

C. SAND DUNES

There shall be no alteration of sand dunes which would increase potential flood damage.

Section 6

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. It is the intention of this Ordinance to replace Chapter 145 Flood Damage Prevention in total and pursuant to the instruction by the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control,

Section 7

Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

Section 8

This Ordinance shall take effect on final passage, approval, and publication.

Mayor Michael Becker

Commissioner John F. Amodeo

Commissioner Maury Blumberg

Johanna Casey, RMC, Municipal Clerk

Introduction: May 4, 2017

Publication:

Adoption:

Publication:

A motion to introduce Ordinance #09-2017 was put forth by Mayor Becker, second by Mr. Amodeo

CITY OF MARGATE CITY
ORDINANCE #09 – 2017

**AN ORDINANCE AMENDING CHAPTER 269, WATER OF THE CODE OF THE CITY
OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

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

SECTION 1. Margate City Code Chapter 269, Water, Article III, Sprinkling and Watering
Regulations, §269-8 shall be amended as follows:

§269.8 – Time Restrictions.

Add the following language:

C. No watering will be permitted on Sunday in any district during the period of
regulation.

D. Any such sprinkling or watering must be confined to the period between 5:00 a.m.
and 7:00 a.m. or 7:00 p.m. and 9:00 p.m.

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

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

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

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

Introduction:

Publication:

Enactment:

Publication:

Ordinance Adoption:

A motion to adopt Ordinance #06-2017 was put forth by Mr. Amodeo, second by Mayor Becker

ORDINANCE #06-2017

**AN ORDINANCE REPEALING AND ESTABLISHING SPEED LIMITS ON
ATLANTIC AVENUE, IN THE CITY OF MARGATE, COUNTY OF ATLANTIC
AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey that Chapter 257- 41 limiting the amount of time that parking is permitted on certain streets shall be amended as follows:

SECTION 1. DELETE the following section:

257-41 Speed Limits Established

<u>Name of Street</u>	<u>Speed Limit (MPH)</u>	<u>Location</u>
Atlantic Avenue	35	Both directions

SECTION 2. ADD the following section:

257-41 Speed Limits Established

<u>Name of Street</u>	<u>Speed Limit (MPH)</u>	<u>Location</u>
Atlantic Avenue	25	Both directions

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

This ordinance shall take effect upon final adoption and publication and in the manner provided by law.

Michael Becker, Mayor

Maury Blumberg, Commissioner

John Amodeo, Commissioner

Board of Commissioners of the City of Margate City, NJ

Introduced: April 6, 2017

Adopted: May 4, 2017

A motion to adopt Ordinance #07-2017 was put forth by Mr. Blumberg, second by Mayor Becker.

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

ORDINANCE # 07-2017

BOND ORDINANCE APPROPRIATING ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) IN SCHOOL BONDS AND NOTES OF THE CITY OF MARGATE FOR VARIOUS SCHOOL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF MARGATE, 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

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as school improvements to be made or acquired by the City of Margate, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there is 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 TWO HUNDRED THOUSAND DOLLARS (\$1,200,000).

Section 2. Authorization of Bonds

Negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) pursuant to Title 18A, Education, of the New Jersey Statutes, particularly Chapter 24 of said Title and any other law applicable thereto. Each of the bonds issued pursuant to this Ordinance shall be designated "School Bond" and shall contain a recital that it is issued pursuant to Title 18A, Education, of the New Jersey Statutes. In anticipation of the issuance of said bonds and to temporarily finance the payment of the local share of final project costs of the improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by applicable New Jersey 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 PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
Renovations and Improvements to Eugene A. Tighe Middle School, including but not limited to replacement of eleven (11) rooftop units (heating, cooling and ventilation), removal of asbestos flooring, repair of asphalt on the Monmouth Avenue Playground, replacement of exterior windows, and sidewalk repairs along Monmouth Avenue, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,200,000	\$1,200,000

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) 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 Board of Education may lawfully require or make as school improvements and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 18A:24-5 is **14.64 years**.

(c) The Supplemental Debt statement required by N.J.S.A. 18A:24-16 and 17 has been duly prepared and filed in the office of the City Clerk and in the office of the Secretary of the Board of Education, and a complete executed 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. The issuance of the \$1,200,000 bonds authorized herein shall be included for purposes of calculating the

net school debt of the school district of the City of Margate pursuant to N.J.S.A. 18A:24-19, but shall be deducted from the gross debt of the City pursuant to N.J.S.A. 40A:2-44.

(d) Amounts not exceeding ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the construction or acquisition of such improvements and properties 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 improvements 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 improvements or purposes 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.

FIRST READING: April 6, 2017

PUBLICATION: April 10, 2017

FINAL READING: May 4, 2017

PUBLICATION WITH STATEMENT: May 8, 2017

RESOLUTIONS:

**RESOLUTION # 77-2017 OPEN PUBLIC HEARING on 2017 BUDGET
CITY OF MARGATE CITY COUNTY OF ATLANTIC STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least ten (10) days prior to the date of the hearing, a publication by summary of the budget has been advertised and that at least one (1) week prior to the date of the hearing, a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the Clerk to persons requiring them and:

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Michael Becker, Mayo

John F Amodeo, Commissioner

Maury Blumberg, Commissioner

ROLL CALL:

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

RESOLUTION #79-2017 MARGATE CITY BILL LIST / PAYROLL MAY 4, 2017

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

BILLS LIST AMOUNT: \$7,158,757.99

PREVIOUSLY PAID: \$ 655,442.78

PAYROLL ACCOUNT – April 13, 2017

CURRENT ACCOUNT \$ 452,228.40

WATER & SEWER \$ 51,458.19

PAYROLL ACCOUNT – April 27, 2017

CURRENT ACCOUNT \$ 457,984.12

WATER & SEWER \$ 52,385.80

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		X			
Blumberg						X

RESOLUTION #80-2017 AUTHORIZING CHANGE ORDER #1(Increase)
for GLADSTONE AVE. EXTERIOR WATER TANK PAINTING

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on August 18, 2016 authorized the awarding of a contract to U.S. Tank Painting, Inc., 900 Rike Drive, Millstone Township, NJ in the amount of \$332,419.09; and

WHEREAS, City Engineer, Ed Walberg, has prepared a letter dated April 11, 2017 regarding increase in Change Order #1 that related to additional tank repairs in the amount of \$3,000.00, resulting in a new contract total of \$399,900.00; and

WHEREAS, the Chief Finance Officer has certified to the City Commissioners that there are adequate funds available for the purpose of award of this contract in the following account Capital Ordinance #2013-14 C-06-55-904-902 for \$332,419.09 and Capital Ordinance #2015-05 C-06-55-907-904 for \$64,480.91; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with U.S. Tank Painting, Inc., 900 Rike Drive, Millstone Township, NJ; and

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

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Walberg, City Engineer
3. U.S. Tank Painting, Inc., 900 Rike Drive, Millstone Township, NJ

ROLL CALL:

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

RESOLUTION #81-2017 AUTHORIZING CHANGE ORDER #1 (INCREASE)
MUNICIPAL BUILDING PLAYGROUND UPGRADES

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on February 2, 2017 authorized the awarding of a contract to Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ in the amount of \$68,144.00; and

WHEREAS, City Engineer, Ed Walberg, has prepared a letter dated April 4, 2017 regarding increase in Change Order #1 that related to As-Built DGA Quality Course and Prime Coat Reduction in the amount of \$1,131.00, resulting in a new contract total of \$69,275.00; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available under Capital Ordinance #2016-05C04-55-978-904; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ; and

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

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Walberg, City Engineer
3. Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ

ROLL CALL:

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

RESOLUTION #82-2017

**RESOLUTION AUTHORIZING CHANGE ORDER #2(DECREASE)
2014 STATE AID – RECONSTRUCTION OF AMHERST AVENUE
VENDOME AVENUE TO WASHINGTON AVENUE**

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on July 2, 2015 authorized the awarding of a contract to L. Feriozzi Concrete Company,, 3010 Sunset Ave., Atlantic City, NJ in the amount of \$373,963.00; and

WHEREAS, the City Engineer, Edward Walberg submitted a letter dated May 9, 2016 regarding Change Order No.1, for unforeseen change for additional Manhole and two Reset Castings for this project in the amount \$4,200.00, changing the contract amount to \$378,163.00; and

WHEREAS, , the City Engineer, Edward Walberg submitted a letter dated April 4, 2017 regarding Change Order No.2, that relates to an amendment in the contract amount for a decrease

due to Supplementary Specification for this project in the amount \$60,005.69, and resulting in a final contract amount of \$318,157.31; and

WHEREAS, the Chief Financial Officer has certified in writing that adequate funds are available under: CO #2015-04 C-04-55-976-904, -\$60,005.69; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, that the City Administrator is hereby authorized to sign an decrease Change Order #2 with L. Feriozzi Concrete Company for a decrease in supplies; amending the original contract amount from \$373,963.00 to the new contract amount of \$318,157.31, and

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

1. Lisa McLaughlin, CFO
2. Frank Ricciotti, Public Works
3. Remington & Vernick Engineers and Affiliates
4. L. Feriozzi Concrete Company

ROLL CALL:

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

RESOLUTION #84-2017 AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, at the Margate City Municipal Tax Sale held on December 12, 2014 a lien was sold on Block 604.03 Lot 2 also known as 425 N Douglas Avenue in Margate City for 2013 unpaid water & sewer and,

WHEREAS, this lien, known as Tax Sale Certificate #14-23 was sold to US BANK CUST FOR PC5 STERLING NAT for a 0% redemption fee and a \$1,100 premium; and,

WHEREAS, Certificate #14-23 has been redeemed in the amount of \$1,957.47

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$1,957.47 payable to US BANK CUST FOR PC5 STERLING NAT for redemption of Tax Sale Certificate #14-23

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$1,100 (Premium) to the aforementioned lienholder.

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

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

ROLL CALL:

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

RESOLUTION #85-2017 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, it has been determined by the Tax Collector that block 710.01 lot 14 known as 21 Bayside Court has a water/sewer overpayment of \$572.78, due to an overpayment from the lienholder, US BANK CUST BV002,

WHEREAS, it is the desire of the lienholder, US BANK CUST BVOO2 to have this overpayment refunded,

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

The Treasurer is hereby authorized to issue a check
in the amount of \$572.78 to the aforementioned lienholder.

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

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

ROLL CALL:

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

**RESOLUTION #86-2017 AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER**

WHEREAS, at the Margate City Municipal Tax Sale held on December 12, 2014, a lien was sold on Block 429 Lot 53.147, also known as 9510 Amherst Avenue in Margate City for 2013 Water & Sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #14-20 was sold to US BANKCUST BV001 TRST & CRDTRS for a 0% redemption fee and a \$100 premium; and,

WHEREAS, Certificate #14-20 has been redeemed in the amount of \$1,209.51

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$1,209.51 payable to US BANKCUST BV001 TRST & CRDTRS for redemption of Tax Sale Certificate #14-20

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$100 (Premium) to the aforementioned lienholder.

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

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

ROLL CALL:

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

**RESOLUTION #87-2017 AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER**

WHEREAS, at the Margate City Municipal Tax Sale held on December 16, 2016 a lien was sold on Block 515 Lot 29, also known as 310 N Nassau Avenue in Margate City for 2015 Sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #16-7 was sold to Trystone Capital Assets, LLC for a 0% redemption fee and a \$200 premium; and,

WHEREAS, Certificate #16-7 has been redeemed in the amount of \$723.16.

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$723.16 payable to Trystone Capital Assets, LLC for redemption of Tax Sale Certificate #16-7,

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

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

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

ROLL CALL:

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

**RESOLUTION #88-2017 AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER**

WHEREAS, at the Margate City Municipal Tax Sale held on December 11, 2015 a lien was sold on Block 125 Lot 28.14, also known as 9201 Atlantic Avenue in Margate City for 2015 Water & Sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #15-7 was sold to US BANK CUST FOR PC5 STERLING NAT. for a 0% redemption fee and a \$1,200 premium; and,

WHEREAS, Certificate #15-7 has been redeemed in the amount of \$1,941.64,

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$1,941.64 payable to US BANK CUST FOR PC5 STERLING NAT. for redemption of Tax Sale Certificate #15-7,

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$1,200 (Premium) to the aforementioned lienholder.

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

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

ROLL CALL:

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

**RESOLUTION #89-2017
AUTHORIZING THE PURCHASE OF**

**ONE (1) 2017 FORD F150 4x4 CREW CAB TRUCK
(NJPA Contract #88728)**

WHEREAS, in accordance with the State by the Division of Purchasing and Property in the Department of the Treasury, whereby local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 to purchase of goods and services; and

WHEREAS, the Board of Commissioners of the City of Margate City, New Jersey desires to purchase of One (1) 2017 Ford F150 4x4 Crew Cab Truck for the Department of Public Works of the City of Margate from an authorized vendor under State of New Jersey Cooperative Purchasing Program, and

WHEREAS, Frank Ricciotti, Director of Public Works recommended the purchase of One (1) 2017 Ford F150 4x4 Crew Cab Truck, under State Contract #88728, which an authorized vendor Cherry Hill Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill in the amount of \$34,090.00; and

WHEREAS, the Chief Financial Officer has certified to the City Commissioners that there are sufficient funds in the amount of \$34,090.00 available under Capital Bond Ordinance #04-2017 for the award of this contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City, County of Atlantic in the State of New Jersey that it does hereby authorize the purchase of One (1) 2017 Ford F150 4x4 Crew Cab Truck from Cherry Hill Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ in the amount not to exceed \$34,090.00.

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

1. Cherry Hill Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034
2. Lisa McLaughlin, CFO
3. Fred Verna, TPA
4. Frank Ricciotti, Director of Public Works

ROLL CALL:

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

**RESOLUTION #90-2017 A RESOLUTION AUTHORIZING THE USE OF SURPLUS
VEHICLES FOR THE PURPOSE OF FIRE DEPARTMENT TRAINING**

WHEREAS, the Margate City Fire Department in the City of Margate of the County of Atlantic and State of New Jersey has the desire to utilize a non-serviceable Public Works Vehicle for the purpose of vehicle extrication training, and

WHEREAS, the Superintendent of Public Works, Frank Ricciotti has authorized the transfer of the following non serviceable Public Works Vehicle to the Fire Department for training purposes:

2005 Ford Crown Victoria – VIN #: 2FAFP71W65Y115153

Once the training is completed the vehicles will be removed from city property to appropriate facility for recycling and disposal, and

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the City of Margate City, County of Atlantic and the State of New Jersey do hereby authorize the City Clerk to transfer the vehicles listed above to the Fire Department, Chief Anthony Tabasso for said training purposes.

ROLL CALL:

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

RESOLUTION #91-2017 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; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate that the Seasonal Employee Handbook/Personnel Policy and Procedure Manual dated 2017 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 handbook is intended to provide guidelines covering public service by City seasonal employees and is not a contract. The provisions of this manual 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 of Margate shall operate under the legal doctrine known as “employment at will.”

ROLL CALL:

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

RESOLUTION #92-2017 AUTHORIZING POWER OF ATTORNEY TO REGISTER MUNICIPAL VEHICLES WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION

WHEREAS, the City of Margate City owns motor vehicles that periodically must be registered with the NJ Motor Vehicle Commission; and

WHEREAS, the process to register a motor vehicle requires that an individual be authorized to act on behalf of the City with respect to the processing of registrations; and

WHEREAS, the State of New Jersey, Motor Vehicle Commission provides a form captioned “Corpcode Request to the New Jersey Motor Vehicle Commission” which form authorizes an individual to act on behalf of a Municipality to register motor vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City that it does hereby authorize the Chief Financial Officer, Lisa McLaughlin, to execute the necessary Corp code Request Form(s) to the New Jersey Motor Vehicle Commission (being a Power of Attorney) so as to authorize Chad Stocking of the Public Works Department to register Municipally owned vehicles with the New Jersey Motor Vehicle Commission.

ROLL CALL:

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

**RESOLUTION #93-2017 RESOLUTION AUTHORIZING AMENDMENT OF
LEASE AGREEMENT WITH ATLANTIC COAST ALARM, INC. FOR PORTION OF
210 N. BENSON AVENUE**

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

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

WHEREAS, the City and Tenant desire to amend and clarify the current Lease arrangement by entering into an Amendment to Lease Agreement, a copy of which is attached hereto and made a part hereof, so as to specify a termination date of May 31, 2018 and to increase the annual rent to that of \$12,000.00 payable \$1,000.00 on the first day of each month to the City; and

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

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

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

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

ROLL CALL:

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

RESOLUTION #94-2017 ESTABLISH POLICY FOR ADJUSTING WATER AND SEWER BILLS FOR LEAKS CAUSING EXCESS WATER CONSUMPTION

WHEREAS periodically Residential Water and Sewer Utility Customers use large amounts of potable water due to leaks in their fixtures both inside and outside their residences, and

WHEREAS it is the responsibility of homeowners to repair those leaks expeditiously when found, and

WHEREAS, when leaks are repaired as evidenced by a written repair receipt from a licensed plumber it is the desire of the Board of Commissioners to adjust the overage bills of said customers in recognition of their diligence in repairing said leaks in the interest of conservation of potable water

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate that the Tax Collector acting as The Water and Sewer Utility Collector as well is authorized to adjust annual water bills of Water and Sewer Utility customers according to the following policy:

1. When a valid repair invoice is presented from a licensed plumber that clearly indicates that a water leak was repaired for the subject property.
2. When the overage in water use does not result in an overage billing exceeding \$250 or if it does then the City reimbursement shall be limited to \$250.
3. When there is a history of overage billing for the account, the overage billing must be adjusted based on an average of the overage billing of the previous two years. That is, Margate will reimburse the difference between said two year average overage and the actual billing but in no case more than \$250.
4. **BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer

2. Linda Morgan, Tax Collector

ROLL CALL:

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

RESOLUTION # 95-2017 AUTHORIZING CREDITS TO 2016 WATER EXCESS BILLING

WHEREAS, it has been determined by the Office of the Tax Collector that there were errors in the excess water billing file that have resulted in overbilling for the following properties;

NAME	BLOCK	LOT	AMOUNT
Finkenauer	214	9	\$13.00
Laughlin	316	5.02	\$13.00
Berman	507.02	6	\$13.00
Spigler	109.01	15	\$22.72
D'Angelo	207.01	15	\$26.00
Schreiber	208	31	\$13.00
Novak	412.02	5	\$13.00
Falkow, Trust	308	18	\$13.00
Uris	113.01	19	\$22.72
Levine	102.02	19	\$22.72
Renshon	217	10	\$13.00
Solar	103.01	17	\$13.00
Gorbig	331	410	\$13.00
Greenberg	326	35.01-C000G	\$13.00
BCCA	426	13	\$26.00
Wiener	416	17	\$ 6.00
Wendkos	515	17	\$13.00

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Margate, County of Atlantic, State of New Jersey, that the Office of the Tax Collector is hereby authorized to adjust this overbilling.

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

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

ROLL CALL:

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

RESOLUTION #96-2017 AUTHORIZING CHANGE ORDER #2 (INCREASE)
MUNICIPAL BUILDING PLAYGROUND UPGRADES

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on February 2, 2017 authorized the awarding of a contract to Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ in the amount of \$68,144.00; and

WHEREAS, City Engineer, Ed Walberg, has prepared a letter dated April 4, 2017 regarding increase in Change Order #1 that related to As-Built DGA Quality Course and Prime Coat Reduction in the amount of \$1,131.00, resulting in a new contract total of \$69,275.00; and

WHEREAS, City Engineer, Ed Walberg, has prepared a letter dated April 25, 2017 regarding increase in Change Order #2 that related to As-Built Paving and Court Surface Color Coat Quantity in the amount of \$6,634.00, resulting in a new contract total of \$75,909.00; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available under Capital Ordinance #2016-05C04-55-978-904; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 2 to the contract with Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ for an increase of \$6,634.00 amending the original contract amount from \$68,144.00 to the new contract amount of \$75,909.00; and

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

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Walberg, City Engineer
3. Iaconelli Contracting, 943 Mill Road, Pleasantville, NJ

ROLL CALL:

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

**RESOLUTION #97-2017 RESOLUTION AUTHORIZING ACCEPTANCE OF
PROPERTY BY WAY OF QUITCLAIM DEED**

WHEREAS, 9401 Amherst, LLC, whose address is 9401 Amherst Avenue, Margate City, NJ 08402 is the owner of Lot 2.02, Block 528, commonly known as 9401 Amherst Avenue, and being formerly known as Integrity Marina, which property is immediately contiguous to Lot 2.03 of Block 528; and

WHEREAS, Lot 2.03 of Block 528 measures 25' x 175' and appears in the Margate City Tax records to be owned by the City of Margate City, a copy of a portion of said tax map being attached hereto and made a part hereof; and

WHEREAS, said property being Lot 2.03 is the same lands and premises by which Margate Ordinance 1999-15 captioned "An Ordinance to Vacate a Portion of Amherst Avenue, City of Margate, County of Atlantic and State of New Jersey", vacated this portion of Amherst Avenue; and

WHEREAS, a question of ownership to this area has arisen; and

WHEREAS, 9401 Amherst, LLC desires to convey any and all interest it may have in and to said parcel of land identified as Lot 2.03, Block 528 and measuring 25' x 175' and as shown on the City Margate City Tax Map as owned by the City of Margate City, said conveyance to be by way of Quitclaim Deed dated April 20, 2017; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and beneficial to the City of Margate City to accept the Quitclaim Deed from 9401 Amherst, LLC for the said property identified as Lot 2.03, Block 528 and being formerly a part of Amherst Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City that it does hereby approve and accept the Quitclaim Deed, a copy of said deed being attached hereto and made a part hereof, and to be recorded forthwith with the Atlantic County Clerk, for the property shown in the Margate City Tax Records and Map as Lot 2.03, Block 528.

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

1. Lisa McLaughlin, Chief Financial Officer
2. James Manghan, Tax Assessor
3. Linda Morgan, Tax Collector

ROLL CALL:

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

RESOLUTION # 98-2017 AUTHORIZING THE AWARD OF CONTRACT TO PROVIDE JANITORIAL SERVICE

WHEREAS, on April 6, 2017, the City of Margate approved Resolution #67-2017 authorizing the receipt of bids to provide 2017 Janitorial Service of Various Municipal Properties; and

WHEREAS, the City Clerk did duly advertise for the receipt of said bids to provide 2017 Janitorial Service of Various Municipal Properties in the Atlantic City Press on April 17, 2017; and

WHEREAS, in connection therewith the following three (3) bids were received by the City Clerk and Purchasing Agent of the City of Margate on April 26, 2017:

All Clean Building Services, Inc.	\$ 4,400.00
Hawkes Janitorial Contractors LLC	\$29,367.00
Cleaning Service, LLC	\$32,149.76

, and

WHEREAS, the City Purchasing Agent, Roger McLarnon, submitted his letter dated April 4, 2017, that a contract be awarded to Hawkes Janitorial Contractors LLC as per their proposal to provide 2017 Janitorial Service of Various Municipal Properties in an amount \$29,367.00; and.

WHEREAS, Hawkes Janitorial Contractors LLC, 3 Canale Drive Egg Harbor Twp., NJ 08234 is the lowest bid responsive and responsible bidder for these services; and

WHEREAS, the Chief Finance Officer has certified to the City Commissioners that there are adequate funds available for the purpose of this award in the following account: Street - Janitorial 7-01-226-290-281.

NOW, THEREFORE, BE IT RESOLVED, by the City Commissioners of the City of Margate, County of Atlantic that it does hereby award a contract to Hawkes Janitorial Contractors LLC, 3 Canale Drive Egg Harbor Twp., NJ 08234 in an amount not to exceed \$29,367.00 as per their proposal to provide May 1, 2017 thru December 31, 2017 Janitorial Service of Various Municipal Properties.

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

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

1. Frank Ricciotti, Super intent of Public Works
2. Lisa McLaughlin, Chief Financial Officer
3. Hawkes Janitorial Contractors LLC, 3 Canale Drive Egg Harbor Twp., NJ 08234

ROLL CALL:

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

RESOLUTION #99-2017 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. Potential Litigation
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

With no further business this meeting was adjourned on motion by Mr. Amodeo, second by Mayor Becker with a vote of two ayes.

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