

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 14, 2024**

Meeting called to order at 7:00 p.m. by President Johnston with a salute to the U.S. flag.

Roll call was recorded as follows:

Present: Haberkorn, Owen, DePamphilis, McCarrie, McGuigan, Dill, Johnston

Also Present: Mayor Tapp, Administrator Frost, Confidential Assistant to the City Clerk Cannuscio, City Solicitor Smith, and City Engineer Kates

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided to two local newspapers. The agenda has been posted at City Hall and on the City’s website, somerspointgov.org.

Communications:

None.

Mayor’s Report:

Mayor Tapp thanked Shore Medical Center for the care his wife received and expressed his gratitude towards City Administrator Frost for getting the City Hall phones fixed. Next, he announced that Bayfest will be held on April 27, 2024, and to contact him if interested in volunteering. He also stated that the Memorial Day Parade will be held on May 27, 2024, at 11:00 a.m. Lastly, he recognized Lisa King and the Tax Office for their tax collection rate of 98.4%.

Committee Reports:

Council Member Haberkorn met with the Economic Development Advisory Commission, where they discussed many things, including the marketing bids and potential changes to the Master Plan. He also met with the Green Team, who will be having their City-Wide Cleanup on April 6, 2024, and the Garden Club, who have many upcoming events on the calendar. Next, he mentioned that the Somers Point School District is facing a 1.2-million-dollar reduction in State aid. To conclude, he thanked City Administrator Frost and the Public Works Department for getting the inside of the Senior Center

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painted, where the Art Commission will be hosting a presentation on March 15, 2024, from 6:00 to 8:00 p.m.

Council Member Owen reiterated the Art Commission exhibit and reception tomorrow and revealed that in relation to the Recreation Commission, the senior league field would be getting an upgrade, as well as the landscaping at the Historical Society.

Council President Johnston met with the Redevelopment Committee, where they discussed Oak Lane Street Vacation. The Committee recommends granting the developer a partial street vacation.

City Engineer Kates reported that the paving of Ocean Avenue has been completed, and the paving of Exton Road is expected to start in the next week. He also proposed a change to Ordinance No. 6 of 2024, as the County requested language to be added to the ordinance allowing them to vote on it. Solicitor Smith explained that the additional language doesn't change anything, and that this ordinance can remain as it is because it is for a County Road, meaning the County must vote on it anyway.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve, the Regular Meeting Minutes of 02/08/2024 and the Regular Meeting Minutes of 02/22/2024.

Proclamations:

The following proclamation was read by Mayor Tapp.

No. 6 of 2024

Subject: Appointing Veteran's Advisory Board

WHEREAS, the Mayor and City Council for the City of Somers Point established, by virtue of Ordinance No. 7 of 2019 and under the authority of *N.J.S.A. 40A:1-1 et. seq.*, a Veterans Advisory Board for the City of Somers Point for the purpose of keeping the Mayor and Council informed of developments regarding veterans and for the purposes of coordination of Veteran related activities, issues, parades and developments which, in effect, affect the entire community; and

WHEREAS, the Mayor is desirous of appointing to said Veterans Advisory Board those members of the community whose qualifications meet those specified by said Ordinance; and

WHEREAS, the citizens that are hereby proclaimed to be members of the first Veterans Advisory Board within the City of Somers Point have served their Country honorably

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and with distinction and will be of benefit to the Mayor and Council in addressing and promoting the needs and affairs of veterans within our City for the betterment of our community and are otherwise eligible to serve on the Veteran’s Advisory Board.

NOW, THEREFORE, I, Dennis Tapp by virtue of the authority vested in me as Mayor of the City of Somers Point, County of Atlantic and State of New Jersey, do hereby proclaim that effective immediately the following persons shall be and are hereby appointed as members of the Veterans Advisory Board for the terms and positions so specified:

Members	Expiration of Term
Thomas Innocente (U.S. Navy/U.S. Army Reserve)	12/31/2025
Ron Bird (U.S. Navy)	12/31/2025
John L. Glasser, Jr.(U. S. Air Force)	12/31/2024
Bill Butler (Marine Corps.)	12/31/2026
Phil Huber (U.S. Army)	12/31/2024
Larry Lemieux (Marine Corps.)	12/31/2026
Fred Fontana (U.S. Air Force)	12/31/2026
Howard Dill (U.S. Army Reserve)	
Richard DePamphilis (U.S. Navy)	

Ordinances:

Ordinance No. 2 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

The ordinance was adopted by a unanimous vote of those present with Council Member Haberkorn abstaining.

Council President Johnston asked for a motion to put this ordinance back on the agenda.

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve, with Council Member Haberkorn abstaining, Ordinance No. 2 of 2024 being placed back on the agenda.

The meeting was duly opened to the public.

Michael Lario, of Nehmad Davis & Goldstein, on behalf of West Maryland Ave. LLC, explained in detail their plans for the site redevelopment.

John Helbig, Chairman of the Somers Point Environmental Commission, stood up to speak, however, Solicitor Smith recommended he not proceed due to the potential conflict of interest.

Hearing nothing further from the public, the public hearing was duly closed.

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No. 2 of 2024

**AN ORDINANCE VACATING A PORTION OF WEST MARYLAND AVENUE IN THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

WHEREAS West Maryland, LLC, a limited liability corporation registered to do business in the State of New Jersey, and having a business's address of 111 E. 9th Street, 3rd Floor, Ocean City, NJ 08226 (the "Developer") proposes to construct a 10,614 square foot Contractor's Warehouse and related site improvements (the "Project") on property designated as Block 914, Lot 1 as shown situated on West Maryland Avenue as shown on the official Tax Map of the City of Somers Point, but with no specific street address; and

WHEREAS on October 13, 2023, Counsel for the Developer appeared before the Somers Point City during a public meeting to present a Project Concept plan, discuss the proposed development of the Project, and the need to have an unimproved portion of West Maryland Avenue paper street vacated in order to construct the Project as planned; and

WHEREAS the Developer applied to the Somers Point Zoning Board of Adjustment requesting a use variance to construct the Project; and

WHEREAS the Zoning Board of Adjustment during a public meeting held on September 11, 2023 approved the requested use variance by Resolution ZB-11-2023 dated October 16, 2023, one condition of which approval being that the Somers Point City Council enact an ordinance vacating a portion of West Maryland Avenue; and

WHEREAS on November 29, 2023, Developer applied to the Somers Point Zoning Board of Adjustment requesting preliminary and final major site plan approval, which application is pending before that Board; and

WHEREAS, on December 20, 2023, Counsel for the Developer submitted a letter request to the Somers Point City Clerk formally requesting the Somers Point City Council to enact an ordinance vacating approximately 6.150.05 square feet of the unimproved paper street West Maryland Avenue, which request included copies of all of the applications and resolutions recited above; and

WHEREAS N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. The portion of West Maryland Avenue described below is an unimproved "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of a public right of way (the "Area to be Vacated").
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to that portion of the Area to be Vacated.

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3. The Area to be Vacated has not been physically improved and will no longer be needed for public road purposes once the Project has been completed.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. That unimproved portion of West Maryland Avenue west of the Area to be Vacated was previously vacated by Ordinance No. 23 of 1991 and the entire vacated portion was transferred to a predecessor in title to West Maryland, LLC, no portion having been retained by the City.
6. Block 1016 abutting West Maryland Avenue to the south is owned by the City of Somers Point and is used for recreational purposes and the City of Somers Point disclaims any interest in the Area to be Vacated.

7. The property abutting the north side of the portion of the Area to be Vacated to which the title to the right-of-way will revert upon vacation is owned by a single owner, West Maryland, LLC. **NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey as follows:

SECTION 1. A PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, and State of New Jersey, bounded and described as follows:

Beginning at an iron pin found in the Northeasterly sideline of West Maryland Avenue, 35' wide; said point being in the division line between Lot 1 and Lot 12, Block 914 and from said point running, thence;

- 1) S 33° 47' 25" W, 35.06' to a point in the Southwesterly sideline of West Maryland Avenue, thence;
- 2) N 53° 00' 23" W, 176.70' along the Southwesterly sideline of West Maryland Avenue to point in the
Northwesterly sideline of West Maryland Avenue, thence;
- 3) N 36° 59' 37" E, 35.00' to a point in the Northeasterly sideline of West Maryland Avenue, thence;
- 4) S 53° 00' 23" E, 174.73' along the Northeasterly sideline of West Maryland Avenue to the Point and Place of Beginning.

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Containing 6,150.05 Sq. Ft. (0.14 Acres)

Being known as the “Area of West Maryland Avenue to be Vacated” as shown on “Street Vacation Plan” (V201) prepared by The Hyland Group and dated October 27, 2023.

The above-described property is subject to the rights and restrictions of easements, if any, being within and/or crossing the bounds as described above.

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the City Tax Assessor. Said notices shall be made by certified mail / RRR by the City Clerk to the record owner of:

Block 914, Lot 1

West Maryland, LLC

111 E. 9th Street, 3rd Floor.

Ocean City, NJ 08226

And to:

Atlantic City Electric Real Estate Development

5100 Harding Highway, Suite 399

Mays Landing, NJ 08330-9902

Public Service Electric and Gas Company

Manager- Corporate Properties

80 Park Plaza, T6B

Newark, NJ 07102

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER

All fees and costs associated with preparation and publication of this ordinance shall be paid by the owner of Block 914, Lot 1. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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Ordinance No. 3 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

The ordinance was adopted by a unanimous vote of those present.

The meeting was duly opened to the public.

Hearing nothing further from the public, the public hearing was duly closed.

No. 3 of 2024

**CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$357,546.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by

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3.5%, amounting to \$500,564.68, and that the CY 2024 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance No. 4 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- TABLED

The meeting was duly opened to the public.

Michael Lario, of Nehmad Davis & Goldstein, on behalf of R2F2 Inc., requested City Council to table this ordinance vacating the entire portion, and to reintroduce a new ordinance vacating a portion of Oak Lane while dedicating a small portion as a public street.

A nearby resident shared his disagreement in tabling this ordinance, and believes he is entitled to half of the road through the street vacation.

Hearing nothing further from the public, the public hearing was duly closed.

After a detailed discussion between City Council, Solicitor Smith, and City Engineer Kates, on the motion of Council Member DePamphilis, seconded of Council Member Dill and carried to approve by a unanimous roll call vote of those present, to table Ordinance No. 4 of 2024.

No. 4 of 2024
TABLED

**An Ordinance Vacating Oak Lane in the City of Somers Point, County of Atlantic,
State of New Jersey**

WHEREAS N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

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WHEREAS, during a regularly scheduled public meeting held on July 21, 2022, a presentation was made by Tim Maguire, Esq. to the Somers Point City Council on behalf of 901 Mays Landing Road, LLC, the owners of the Greate Bay Country Club, requesting vacation of a portion of Oak Avenue within Block 1946 in the City of Somers Point; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. The portion of Oak Lane described below is a "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of a public right of way (the "Area to be Vacated").
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released ,and extinguished.
5. The City Engineer has confirmed that the right – of - way proposed to be vacated is sixty-two and six tenths feet (62.6') in width.
6. Although the general rule is that whenever a right-of- way is vacated, the vacated area reverts back equally to the owners of the adjoining properties, when the right-of-way was totally on one party's lands, the entire vacated area reverts back to the successor in title to the original owner.
7. The City Engineer has reviewed documentation provided on behalf of 901 Mays Landing Road. LLC which demonstrates to his satisfaction that a portion of the Area to be Vacated was originally granted to the City by a predecessor in title to 901 Mays Landing Road, LLC.
7. The property abutting one portion of the Area to be Vacated to which the title to the right-of-way will revert upon vacation is a portion of Block 1946, Lot 1, which is currently owned by 901 Mays Landing Road, LLC.
8. The property abutting the other portion of the Area to be Vacated to which title to the right-of- way will revert upon vacation is a portion of Block 1945, Lot 2.02 which is currently owned by Boardwalk Development Company LLC on one side of Oak Lane and Block 1944, Lot 1 which is owned by Richard A. Karpf on the other side of Oak Lane.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey as follows:

SECTION 1. A PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair

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and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, and State of New Jersey, bounded and described as follows:

BEGINNING at the point on the westerly line of Oak Lane (60 feet wide) where it is intersected by the northeasterly line of Somers Point - Mays Landing Road; and extending thence

- 1) North 19 degrees 39 minutes and 58 seconds East along the westerly line of Oak Lane being the easterly line of Lot 2.02 in Block 1945, a distance of 116.00 feet to a corner; thence
- 2) North 70 degrees 20 minutes and 02 seconds West along the southerly line of Oak Lane 538.72 feet to the easterly line of the Garden State Parkway; thence
- 3) North 04 degrees 25 minutes and 16 seconds West along said line 68.59 feet to the northerly line of Oak Lane; thence
- 4) South 70 degrees 20 minutes and 02 seconds East along said line 626.72 feet to an angle point in same; thence
- 5) South 19 degrees 39 minutes and 58 seconds West along the easterly line of Oak Lane 178.62 feet to the northerly line of Somers Point - Mays Landing Road; thence
- 6) North 70 degrees 20 minutes and 02 seconds West along the northerly line of Somers Point-Mays Landing Road 60.00 feet to the point and place of **BEGINNING**.

Containing 45,328 sf. (1.04 ac.)

This description is written in accordance with a Parcel Map dated February 16, 2022, prepared by Duffy Dolcy McManus & Roesch, and signed by William P. McManus Professional Land Surveyor, Lic. No. 31660

BEING DESIGNATED AS Oak Lane as shown on the Official Tax Map of Somers Point, New Jersey.

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by certified mail / RRR by the City Clerk to the record owners of:

Block 1946, Lot 1
901 Mays Landing Road
901 Mays Landing Road, LLC

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3603 ATL-BRIGANTINE #8
Brigantine, NJ 08203
Block 1945, Lot 1
Grace Oil Company
Box 1022
Huntingdon Valley, PA 19009-1022
Block 1945, Lot 2.
Golf Course Holdings LLC
91 Mays Landing Road
Somers Point, NJ 08244
Block 1945, Lot 2.02
Boardwalk Development Company LLC
822 Rear Boardwalk
Ocean City, NJ 08266
Block 1944, Lot 1
Richard A Karpf
46b Coles Avenue
Cherry Hill, NJ 08034
Atlantic County Planning Dept.
PO Box 719
Route 9 & Dolphin Ave Northfield, NJ 08225
Atlantic City Electric Real Estate Department
5100 Harding Highway, Suite 399
Mays Landing, NJ 08330-9902
Public Service Electric and Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER R2F2, Inc

All fees and costs associated with preparation and publication of this ordinance shall be paid by R2F2, Inc as the requesting party and the beneficial owner to which title to the majority of the vacated street will revert upon vacation. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. INDEMNIFICATION AND DEFENSE

As a condition of the vacation of Oak Lane, R2F2, Inc. shall execute and deliver an indemnification and hold harmless agreement in favor of the City in a form approved by the City Solicitor.

SECTION 6. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

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SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Ordinance No. 5 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Owen/McCarrie

The ordinance was adopted by a unanimous vote of those present.

The meeting was duly opened to the public.

Hearing nothing further from the public, the public hearing was duly closed.

No. 5 of 2024

An Ordinance Enacted Under Authority of N.J.S.A. 39:4-197 Regulating the Parking of Vehicles on Certain Streets and Portions Thereof; Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24.1 Schedule 1A and Repealing All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

WHEREAS, a determination has been made by the Somers Point City Engineer, along with the Sewer Operator, that due to the potential for obstructions blocking the required access by Municipal vehicles at the Municipal Sanitary Sewer Pump Station on Woodlot Court and in the interest of public safety, a recommendation to eliminate vehicle stopping, standing and parking adjacent to the Pumping Station area has been made; and;

WHEREAS, the recommendations made by the City Engineer have been reviewed by the Somers Point Police Department and have been deemed appropriate and reasonable; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended change in parking regulations

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1: The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24.1 Schedule 1A “No Parking, Stopping, Standing” at any time is hereby amended and supplemented to add the following described streets or parts of streets:

Name of Street	Side	Location
Woodlot Court	North	From the northerly curb line Defeo Lane, running along the centerline of Woodlot Court 388 feet to the northerly curb line of the cul-de-sac of Woodland Court thence 15 feet from that point along the curb line in each direction.

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SECTION 2: “No Parking, Stopping or Standing This Side” signage shall be installed and placed according to New Jersey Department of Transportation standards with standard spacing as required by Regulation and in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION 3: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 6 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Haberkorn

The ordinance, as amended, was adopted by a unanimous vote of those present.

The meeting was duly opened to the public.

Hearing nothing further from the public, the public hearing was duly closed.

City Engineer Kates read aloud the language proposed by the County.

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the application to amend the ordinance language in accordance with the County’s request.

No. 6 of 2024

An Ordinance Enacted Under Authority of N.J.S.A. 39:4-197 Regulating the Parking of Vehicles on Certain Streets and Portions Thereof; Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24.1 Schedule 1A and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

WHEREAS, a determination has been made by the Somers Point City Engineer, along with the Sewer Operator, that due to the potential for obstructions blocking the required access by Municipal vehicles at the Municipal Sanitary Sewer Pump Station on Somers Point - Mays Landing Road and in the interest of public safety, a recommendation to eliminate vehicle stopping, standing and parking adjacent to the Pumping Station area has been made; and;

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WHEREAS, the recommendations made by the City Engineer have been reviewed by the Somers Point Police Department and have been deemed appropriate and reasonable; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended change in parking regulations; and

WHEREAS, Somers Point – Mays Landing Road is a County Road (CR 559); and

WHEREAS, Atlantic County must concur with this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1: The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24.1 Schedule 1A “No Parking, Stopping, Standing” at any time is hereby amended and supplemented to add the following described streets or parts of streets:

Name of Street	Side	Location
Somers Point – Mays Landing Road	South	From a point 1,410 feet east of the easterly curblineline of Horter Avenue, to a point 45 feet east therefrom

SECTION 2: “No Parking, Stopping or Standing This Side” signage shall be installed and placed according to New Jersey Department of Transportation standards with standard spacing as required by Regulation and in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION 3: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 7 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Haberkorn

The ordinance was adopted by a unanimous vote of those present.

The meeting was duly opened to the public.

Hearing nothing further from the public, the public hearing was duly closed.

Council Member McGuigan asked for clarification on this ordinance, with Solicitor Smith giving an explanation.

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An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197, N.J.S.A. 39: 4-197.6 and N.J.S.A. 39: 4-197.7, Granting the City the Authority to Establish a Restricted Parking Zone in Front of a Residence for a Fee; Amending and Supplementing Section 250-57(I)(1) of the Somers Point City Code; Repealing All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by ordinance, to regulate parking on its streets; and

WHEREAS, N.J.S.A. 39:4-197.6 authorizes a Municipality, by ordinance, to provide for restricted parking in front of a residence occupied by a person with a disability which has the appropriate permit from the Motor Vehicle Commission which identifies a specific motor vehicle coinciding the location wherein it is to be parked; and

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a Municipality, by ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code [“Restricted parking zones authorized; conditions” sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee of \\$10, and placement of the Permit within the vehicle; and](#)

WHEREAS, from time to time, the applicants for a permit under Section 250-57 are disabled veterans; and

WHEREAS, the City of Somers Point has a strong history of supporting its veterans in recognition of their service to our Country; and

WHEREAS, City Council now wishes to offer the aforesaid permits without charge to disabled veterans; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1. The Somers Point Municipal Code Chapter 250 - Vehicles and Traffic, Article V – Residential Parking Permits, Section 250-57 Restricted Parking Zones Authorized; Conditions; is hereby amended to also include the following language: “The aforesaid permit fee shall be waived for any former member of the U.S. military.”

SECTION 2: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 8 of 2024
(First Reading/Introduction)
M/S- Dill/Owen

The ordinance was adopted by a unanimous vote of those present.

City Engineer Kates explained that Ordinance Numbers 8 and 9 of 2024 are for the City to come into conformance with the New Jersey Department of Environmental Protection.

No. 8 of 2024

An Ordinance Amending Chapter 169 - Littering & Property Maintenance; Article I - General Provisions, of the Code of the City of Somers Point, and Repealing All Ordinances Heretofore Adopted, the Provisions of Which Are Inconsistent Herewith

WHEREAS, from time to time, the City of Somers Point receives mandatory directives from the New Jersey Department of Environmental Protection (“DEP”); and

WHEREAS, the DEP has issued a mandatory directive for municipalities relative to the enactment of an ordinance relative to privately owned salt storage; and

WHEREAS, the City of Somers Point hereby wishes to be in compliance with such directive.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1. §169-19 of Chapter 169, Littering and Property Maintenance; Article I, General Provisions, of the Code of the City of Somers Point is hereby redesignated as §169-20;

SECTION 2. A new §169-19 of Chapter 169, Littering and Property Maintenance; Article I, General Provisions, of the Code of the City of Somers Point is hereby created, which will read as follows:

§ 169-19. Privately Owned Salt Storage

A. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the City of Somers Point to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

B. Definitions:

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For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- (2) “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- (3) “Storm drain inlet” means the point of entry into the storm sewer system.
- (4) “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- (a) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - (b) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - (c) The structure shall be erected on an impermeable slab;
 - (d) The structure cannot be open sided; and
 - (e) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- (5) “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - (6) “Resident” means a person who resides on a residential property where de-icing material is stored.

C. Deicing Material Storage Requirements:

- (1) Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - (a) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (b) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - (c) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - (d) Loose materials shall be covered as follows:
 - [1] The cover shall be waterproof, impermeable, and flexible;
 - [2] The cover shall extend to the base of the pile(s);

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- [3] The cover shall be free from holes or tears;
- [4] The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- [5] Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - a. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - (e) Containers must be sealed when not in use; and
 - (f) The site shall be free of all de-icing materials between April 16th and October 14th.
- (2) De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- (3) The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - (a) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

D. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

E. Enforcement:

This ordinance shall be enforced by the Code Enforcement Officer during the course of ordinary enforcement duties.

F. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this section of Chapter 169 shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as set forth in § 169-20

SECTION 2: All other provisions of Chapter 169 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 9 of 2024

(First Reading/Introduction)

M/S- McCarrie/Owen

The ordinance was adopted by a unanimous vote of those present.

No. 9 of 2024

An Ordinance Repealing Sections 114-182, Stormwater Control, and 114-183, Stormwater Management Systems, and of Article XXIV, Design And Improvement Standards, and Sections 114-210 Through 114-220 of Article XXIX, Stormwater and Tidal Stormwater Control, of Chapter 114, Development Regulations, and Enacting New Sections 114-210 Through 114-220 of Article XXIX, Stormwater and Tidal Stormwater Control, of Chapter 114, Development Regulations of the Code of the City of Somers Point

WHEREAS, from time to time, the City of Somers Point receives mandatory directives from the New Jersey Department of Environmental Protection (“DEP”); and

WHEREAS, the DEP has issued a mandatory directive for municipalities relative to the enactment of an ordinance relative to storm water management systems and controls; and

WHEREAS, the City of Somers Point hereby wishes to be in compliance with such directive by repealing portions of its current ordinances and amending other portions of same.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1. Article XXIV, Design and Improvement Standards, §114-182 Stormwater Control is hereby deleted in its entirety.

SECTION 2. Article XXIV, Design and Improvement Standards, §114-183 Stormwater management systems is hereby deleted in its entirety.

SECTION 3. Article XXIX, Stormwater and Tidal Stormwater Control, of the Development Regulations of the Code of The City of Somers Point is hereby deleted and replaced as follows:

§ 114-210. Scope & Purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural

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stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §114-211.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Somers Point.
3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to May 1, 2024 shall be subject to the stormwater management requirements in effect on April 30, 2024.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to May 1, 2024, shall be subject to the stormwater management requirements in effect on April 30, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed

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by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 114-211. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

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

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

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

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

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

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

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs A, B, C, or D above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

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

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed

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to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on

already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §114-213(F). of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

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“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and

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D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

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

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

§ 114-212. Design and Performance Standards for Stormwater Management Measures.

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

(2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 114-213. Stormwater Management Requirements for Major Development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §114-219.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

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- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §114-213(P), (Q) and (R):
- (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §114-213(O), (P), (Q) and (R), may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §114-213(O), (P), (Q) and (R), to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements §114-213(O), (P), (Q) and (R), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §114-213(D)(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §114-213(O), (P), (Q) and (R), that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §114-213(O), (P), (Q) and (R). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the

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Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

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

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Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found at the end of Table 3)

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Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found at the end of Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

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(Notes corresponding to annotations ^(b) through ^(d) are found at the end of Table3)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §114-213(O)(2);
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at §114-211;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at §114-211.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §114-215(B). Alternative stormwater management measures may be used to satisfy the requirements at §114-213(O) only if the measures meet the definition of green infrastructure at §114-211. Alternative stormwater management measures that function in a similar manner to a BMP listed at §114-213(O)(2) are subject to the contributory drainage area limitation specified at §114-213(O)(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §114-213(O)(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §114-213(D) is granted from §114-213(O).
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper

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operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §114-217(C);
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §114-217; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §114-211 may be used only under the circumstances described at §114-213(O)(4).
- K. Any application for a new agricultural development that meets the definition of major development at §114-211 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §114-213(O), (P), (Q) and (R) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the

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development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §114-213(P), (Q) and (R) shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the office of the Atlantic County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §114-213(O), (P), (Q) and (R) and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §114-219(B)(5) Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §114-213 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the office of the Atlantic County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with (M) above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with (M) above.
- O. Green Infrastructure Standards

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- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at §114-213(P) and (Q), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §114-213(F). and/or an alternative stormwater management measure approved in accordance with §114-213(G). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

- (3) To satisfy the stormwater runoff quantity standards at §114-213®, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §114-213(G).
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §114-213(D) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §114-213(G) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §114-213(P), (Q) and (R).
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity

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standards at §114-213(P), (Q) and (R), unless the project is granted a waiver from strict compliance in accordance with §114-213(D).

P. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §114-214, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to §114-214(D) of this ordinance is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (4) below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with (Q)(2) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §114-213(P), (Q) and (R).
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §114-214, complete one of the following:
- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as

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defined and determined in §114-214(C) and (D), respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to §114-214(C) and (D), respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §114-214(C) and (D), respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (R)(2)(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 114-214 Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for*

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Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

- (2) For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at §114-214(A)(1). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 - (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 - (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
 - (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:
The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

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

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

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-yearDesign Storm	10-yearDesign Storm	10-yearDesign Storm
Atlantic	1.22	1.24	1.39

§ 114-215. Sources for Technical Guidance.

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

<https://dep.nj.gov/stormwater/bmp-manual/>.

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- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 - (2) Additional maintenance guidance is available on the Department's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to:
The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§ 114-216 Solids and Floatable Materials Control Standards.

- A. Site design features identified under §114-213(F) above, or alternative designs in accordance with §114-213(G) above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §114-216(A)(2) below.
- (1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - (b) A different grate, if each individual clear space in that grate has an area of
no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.
Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 - (2) The standard in A(1) above does not apply:

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- (a) Where each individual clear space in the curb opening in existing curb opening inlet does not have an area of more than nine (9.0) square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - [2] A bar screen having a bar spacing of 0.5 inches.Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 114-217 Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §114-217(C)(1), 217(C)(2), and 217(C)(3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions:
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

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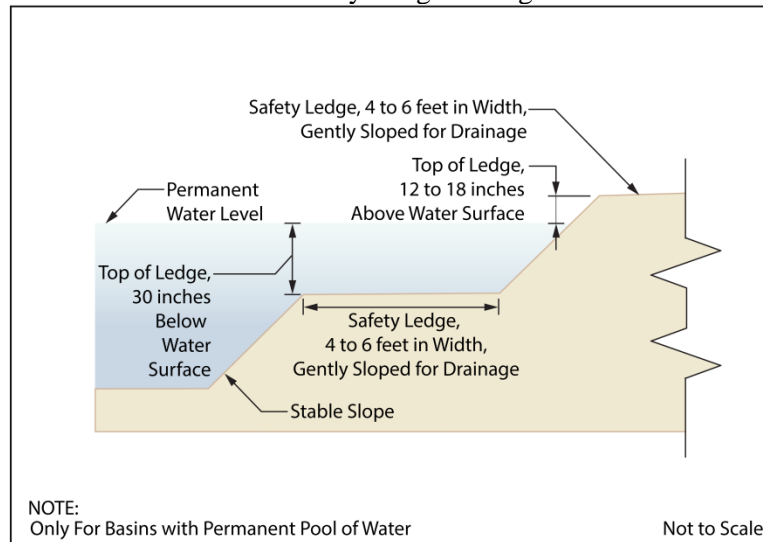
- (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §114-217(D), a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See §114-217€ for an illustration of safety ledges in a stormwater management BMP; and
 - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard:

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

E. Safety Ledge Illustration:

Elevation View –Basin Safety Ledge Configuration



§ 114-218 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §114-218(C) below as part of the submission of the application for approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (3) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with §114-218(C) of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

(1) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the

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limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(2) Environmental Site Analysis

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

(3) Project Description and Site Plans

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

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §114- 212 through §114-214 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map

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

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

(6) Calculations

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- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §114-213 of this ordinance.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) **Maintenance and Repair Plan**

The design and planning of the stormwater management facility shall meet the maintenance requirements of §114-219.

(8) **Waiver from Submission Requirements**

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §114-218(C)(1) through §114-218(C)(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 114-219 Maintenance and Repair.

A. Applicability

Projects subject to review as in §114-210(C) of this ordinance shall comply with the requirements of §114-219(B) and §114-219(C).

B. General Maintenance

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

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owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the party responsible for maintenance identified under §114-219(B)(3) above is not a public agency, the maintenance plan and any future revisions based on §114-219(B)(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under §114-219(B)(3) above shall perform all of the following requirements:
 - (a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §114-219(B)(6) and (B)(7) above.
- (8) The requirements of §114-219(B)(3) and (B)(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
- (9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may

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extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 114-220 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days. Each day that a violation shall continue shall constitute a separate violation. Nothing in this article shall be construed to limit the City of Somers Point's rights to institute and maintain a civil action, from seeking active injunctive relief, or to set aside or invalidate any conveyance made pursuant to a contract of sale.

SECTION 4: All other provisions of Chapter 114 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson asked for clarification on Resolution Numbers 81, 82, 83, 87, 88, 89 and 90 of 2024.

Hearing nothing from the public, the public portion was duly closed.

Resolution No. 78 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 78 of 2024

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Subject: Taxes Cancelled and Refunded Block 318, Lot 8

Introduced by: Council President Johnston and Council Members McGuigan and DePamphilis

WHEREAS, the property owner at 123 West Meyran Avenue is a 100% permanently and totally disabled veteran; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption beginning on February 16, 2024; and

WHEREAS, the taxes for 2024 should be canceled and refunded in the amount \$678.21; and

WHEREAS, all future tax billing should be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled and refunded.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Owner	Amount	Year
318	8		Michael J. Roush	\$678.21	2024 (cancelled and refunded)

Total \$678.21

Resolution No. 81 of 2024

M/S- Dill/Owen

This resolution was adopted by a unanimous vote of those present.

Council Member McGuigan updated City Council on the status of the Bills pertaining to this resolution.

No. 81 of 2024

Subject: Support of New Jersey Senate Bill S-2930 and New Jersey Assembly Bill A-4045 OPRA Reform

Introduced By: Council Member McGuigan

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

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WHEREAS, it is the position of the City Council of the City of Somers Point that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff, not only in the Clerk's office, but also among other departments that may be involved in the same request; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians, and legal counsels to protect the safety and welfare of the general public; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost; and

WHEREAS, New Jersey Senate Bill S-2930 and identical New Jersey Assembly Bill A-4045 introduced March 4, 2024, will give greater discretion to records custodians regarding duplicate and anonymous requests; encourages that documents be placed online and provide funding to facilitate that goal; prohibits records requests made by data brokers who take the information for commercial purposes; increases the membership of the Government Records Council; and establishes a Police Record Access Improvement Task Force; and

WHEREAS, the proposed legislation also includes the following:

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- Provides our residents with protection from losing their privacy in the course of conducting public business.
- Addresses burdensome commercial requests that continue to increase each year, since the enactment of the OPRA Act, commercial enterprises have abused the legislation as a mechanism for commercial purposes.
- Addresses the mandatory prevailing attorney fee provisions that have cost taxpayers.
- Take the first step to address how police records should and are considered under OPRA, as the use of technology has increased in police work, requests for police records have increased tremendously.
- Permits public agencies to adopt an official OPRA request form that must be used for all OPRA requests.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the City of Somers Point supports this legislation (S-2930/A-4045) and calls on its elected state representatives in Trenton, Senator Vincent J. Polistina, Assemblywoman Claire Swift, and Assemblymen Don Guardian, to work with their colleagues in the Legislature to ensure that this bill is passed by the entire Assembly and Senate and signed into law by the Governor.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to New Jersey State Senate President Nicholas Scutari, New Jersey District 2 State Senator Vincent J. Polistina, Assembly Speaker Craig Coughlin, District 2 Assemblywoman Claire Swift, District 2 Assemblymen Don Guardian, and to the New Jersey State League of Municipalities as well as the surrounding municipalities.

Resolution No. 82 of 2024

M/S- Owen/Dill

This resolution was adopted by a unanimous vote of those present.

No. 82 of 2024

Subject: Awarding Bid for the Pump Station No. 5 Force Main Replacement – Contract No. 17

Introduced by: Council President Johnston

WHEREAS, on March 6th 2024 the City of Somers Point received bids for the Pump Station No. 5 Force Main Replacement – Contract No. 7; and

WHEREAS, Arthur Henry Inc of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

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WHEREAS, the City Sewer Utility Engineer’s office has recommended that the City award the contract to Arthur Henry, Inc of Egg Harbor Township, New Jersey in the amount of \$797,477.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 1.) The Contract for the Pump Station No. 5 Force Main Replacement – Contract No. 7project is hereby awarded to Arthur Henry Inc, Inc of Egg Harbor Township, New Jersey in the amount of \$797,477.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arthur Henry, Inc signing on behalf of the City.

Resolution No. 83 of 2024

M/S- Owen/McCarrie

This resolution was adopted by a unanimous vote of those present.

No. 83 of 2024

Subject: Awarding Bid for the Pump Station No 3. Force Main Replacement - Contract No. 13 Rebid

Introduced by: Council President Johnston

WHEREAS, on March 6th 2024 the City of Somers Point received bids for the Pump Station No 3. Force Main Replacement - Contract No. 13 Rebid; and

WHEREAS, Wyndham Construction, LLC Inc of Turnersville, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Sewer Utility Engineer’s office has recommended that the City award the contract to Wyndham Construction, LLC, Inc of Turnersville, New Jersey in the amount of \$831,151.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 3.) The Contract for the Pump Station No 3. Force Main Replacement - Contract No. 13 Rebid project is hereby awarded to Wyndham Construction, LLC of Blackwood, New Jersey in the amount of \$831,151.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Wyndham Construction, LLC, Inc signing on behalf of the City.

Resolution No. 84 of 2024

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M/S- Dill/Haberkorn

This resolution was adopted by a unanimous vote of those present.

No. 84 of 2024

Subject: Appointment of Performance Marketing and Signage

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point has identified a need for Public Relations Services for the balance of Calendar Year 2024; and

WHEREAS, pursuant to Resolution 42 of 2024, a request for proposals for Marketing Services was published on and three (3) proposals were received by the City on February 16th 2024; and

WHEREAS, the Economic Development Advisory Commission reviewed the proposals received and recommends Performance Marketing and Signage; and

WHEREAS, this contract is awarded through a fair and open process pursuant to N.J.S.19:44A-20.4 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. Performance Marketing and Signage be and hereby is appointed to provide Marketing Services for the City of Somers Point, from January 1st 2024 through December 31st 2024
2. The Mayor is hereby authorized to execute an agreement with Performance Marketing and Signage, in a form approved by the City Solicitor, and, upon execution, the agreement will be attached to this resolution and become a part hereof. This agreement may contain a provision for an extension of one one-year term, conditioned upon the passage of a resolution by City Council.
3. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

Resolution No. 85 of 2024

M/S- Dill/Owen

This resolution was adopted by a unanimous vote of those present.

No. 85 of 2024

Subject: Approving Proposals – Goods and Services 2024

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on March 7th 2024 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of March 1st, 2024 to February 29th, 2025:

- a) **Alarm, Monitor, Networking and Ancillary Parts, Installation and Service**
Priority Protection Services LLC
- b) **Celling's, Flooring, Wall Covering and Partition Material, Materials and Installation and Services**
ERCO
- c) **Cellular Communications and Mobile Broadband Services**
Verizon
Comcast
- d) **Concrete and Masonry Service**
Landberg Construction
West Bay Construction Inc
Ocean Construction
- e) **City Hall Custodial Services**
Offshore Carpet Cleaning and Janitorial
- f) **Demolition Services**
American Demolition
- g) **Electrical Contractor Services**
Calvi Electric Company
Hughes Electric
- h) **Emergency Sewer Pumps and Equipment**
Municipal Maintenance Company
Godwin
- i) **Excavation and Pipe Installation and/or Replacement**
Seashore Associated Mechanical Incorporation
Ocean Construction
West Bay Construction
- j) **Flags Banners and Miscellaneous Display Items**
Display Sales
Metropolitan
- k) **Gate Equipment Maintenance and Operations**
Park Place Parking
- l) **Generator Parts and Service**
Genserve
- m) **Hardware Supplies**
Shore True Value
Lawson Products
Val-U Auto Parts
Barco Products
- n) **Heavy Duty Truck Mechanic Services**

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- Clegg's Garage Incorporation
- Gran Turk Inc
- Gentilini Ford
- o) Influent Grinders for Sewer Pump Stations**
 - Municipal Maintenance
 - Watermark Environmental Systems, Inc.
 - KRS Services
 - JWC Environmental
 - AC Schultes Inc
- p) Information Technology and Networking Services**
 - INSC
 - All Covered
 - Konica Minolta
- q) Leaves and Brush Disposal Site**
 - Atlantic Blueberry Co Inc
- r) Marketing Services**
 - Masterpiece Marketing Communication Advertising
 - Performance Marketing
 - Savvy Marketers LLC
- s) Misc. Employee Uniforms**
 - Action Uniform
 - Galls LLC
 - Fyre Marketing
 - Jonah's Enterprises Inc
- t) Misc. Fire Fighting Equipment**
 - Whitmer Public Safety Group
 - Continental Fire & Safety Inc
- u) Metal Fabrication and Repair**
 - Hotfoil-EHS Inc.
 - Thomas Co Inc
 - Marine Maintenance & Construction
- v) Plumbing and HVAC Services**
 - McCloskey Mechanical Contractors Inc
 - Bilmark
 - Multi-Temp Mechanical
- w) Sewer Pump Station Parts & Supplies**
 - KRS Services
 - Municipal Maintenance Company
 - EVOQUA
 - Gran Turk Inc
- x) Sewer Pump Station Maintenance**
 - KRS Services
 - McCloskey Mechanical Contractors Incorporation

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- Municipal Maintenance Company
- CW Sales Corporation
- A.C Schultes
- West Bay Construction, Incorporation
- y) **Sewer Pump Stations, Electrical & Electronics**
 - KRS Services
 - Municipal Maintenance Group
- z) **Sewer System Coating, Lining & Restoration**
 - The Precision Group
 - Sewer and Water Evaluation and Rehabilitation Procedures
- aa) **Storm Drain Cleaning and Television Inspection**
 - Mobile Dredging and Video Pipe
- bb) **Recreation Equipment and Installation**
 - Ben Shaffer Recreation Incorporation
 - Green Lane Contractors
 - BSN Sports
 - Access Rec
- cc) **Roofing Repair and Maintenance**
 - Dorothy Gale Roofing
 - East Coast Contracting Roofing and Siding
 - KMR Enterprises Inc
 - Roofmax Exteriors LLC
- dd) **Vactor Parts and Service**
 - Vacuum Sales Incorporation
- ee) **Video Cleaning and Maintenance**
 - Mobile Dredging and Video Pipe
- ff) **Outdoor Farmer's Market Operations and Management**
 - Rob Hopkins
- gg) **Auto Mechanic**
 - Galloway Auto and Tire
- hh) **Animal Control Services**
 - Animal Control of Atlantic County
- ii) **Signage and Misc Repair**
 - Eastern Signs
 - Copiers Plus
 - Sign-a-rama
 - Omega High Impact Print Solutions
 - Forge Signworks
- jj) **Environmental / Asbestos Remediation Monitoring Services**
 - Environmental Connection
- kk) **Electronic Payment Processing Systems**
 - ParkMobile
 - Windcave

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Comprise Technologies Inc
ll) **Painting Contractor Services**
Primetime Painting
Clean Lines Painting
Randazzo Painting & Powerwashing LLC

Resolution No. 86 of 2024

M/S- Owen/McCarrie

This resolution was adopted by a unanimous vote of those present.

No. 86 of 2024

Subject: Resolution Acknowledging Memorandum of Understanding with the City of Pleasantville and Accepting Fire Equipment through the Assistance to Firefighters Grant (AFG) Program

Introduced By: Council President Johnston

WHEREAS, the purpose of the Assistance to Firefighters Grant (AFG) Program is to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience., and

WHEREAS, the Federal Emergency Management Agency (FEMA) administers the grant program with one of the applications being for requested equipment that could enhance the safety and/or effectiveness of firefighting, rescue, and/or the enhancement of emergency medical services provided by EMS, and/or non-affiliated EMS organizations.; and

WHEREAS, the City of Pleasantville has agreed to be the lead agency in this program and work in conjunction with the City of Somers Point, as well as the South Jersey Transit Authority through award EMW-2022-FG-07443; and

WHEREAS, the City of Pleasantville has been successful in its application to receive the equipment at a greatly reduced cost (10% local match to the value of the equipment) to the local taxpayers and for the benefit of Somers Point Fire Companies No 1 and No 2; and

WHEREAS, the City of Pleasantville has received the equipment and plans on delivering the same to the City of Somers Point Fire Companies No 1 and No 2.

NOW, THEREFORE, BE IT RESOLVED by the Somers Point City Council, that the City of Somers Point does hereby acknowledge the participation in this grant program, the acceptance of the below equipment for Somers Point Fire Companies No 1 and No 2, as well as the reimbursement to the City of Pleasantville for the Equipment.

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Equipment to be received by the Somers Point Fire Department	
30 Air Packs	
30 Masks	
60 Bottles/Cylinders	
Somers Point Portion of the cost.....	\$27,840.00

Resolution No. 87 of 2024

M/S- Owen/McCarrie

This resolution was adopted by a unanimous vote of those present.

No. 87 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: Advice of Counsel and Attorney-Client Privileged Communication Regarding the Potential Lease of New York Avenue School by the City of Somers Point from the Somers Point Board of Education

Introduced By: Council President Johnston, Councilman Haberkorn, Councilman DePamphilis

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend; and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on June 8, 2023, during a public meeting to be held commencing at 7:00 P.M; and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

1 “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

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Advice of Counsel and attorney-client privileged communication regarding the potential lease of New York Avenue School by the City of Somers Point from the Somers Point Board of Education.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.

Resolution No. 88 of 2024

M/S- Dill/McCarrie

This resolution was adopted by a unanimous vote of those present.

No. 88 of 2024

Subject: Awarding Bid and Authorizing Lease for Marina Operations

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is in possession of a Marina facility located at Higbee Avenue and the Bay; and

WHEREAS, N.J.S.A. 40:61-1 et seq. states that the governing body of a municipality may rent any privilege in any of its waterfronts for public resort and recreation to the highest responsible bidder therefore upon such terms and conditions as it may prescribe; and

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WHEREAS, at a meeting of the Governing Body held on January 11th, 2024 the City Clerk was authorized to advertise a Request for Proposal for the Marina Operations (Resolution 45 of 2024); and

WHEREAS, the City of Somers Point received proposals on February 29th, 2024, for the City's Marina Operations; and

WHEREAS, Pau Hana Tiki Tours LLC. of Aston, Pennsylvania was the highest responsible bidder; and

WHEREAS, the City Council Marina Committee has recommended that the City award the lease to Pau Hana Tiki Tours LLC. of Aston, Pennsylvania for the 2024 Marina Operations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. The Contract for the Marina Operations is hereby awarded to Pau Hana Tiki Tours LLC, of Aston, Pennsylvania.
2. The City Administrator is hereby authorized and directed to enter into a lease agreement with Brian Toner T/A Pau Hana Tiki Tours LLC for City's Marina Operations. The period of the lease shall be from April 15th, 2024 until April 14th, 2026 subject to the terms and conditions of the anticipated lease agreement being reviewed and approved by the City's solicitor and Business Administrator. The anticipated lease will be subject to the approval and final execution by both parties.

Resolution No. 89 of 2024

M/S- Dill/McCarrie

This resolution was adopted by a unanimous vote of those present.

No. 89 of 2024

Subject: Authorizing Lease Agreement for Higbee Avenue Pier

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is in possession of a pier facility located at Higbee Avenue and the Bay; and

WHEREAS, N.J.S.A. 40:61-1 et seq. states that the governing body of a municipality may rent any privilege in any of its waterfronts for public resort and recreation to the highest responsible bidder therefore upon such terms and conditions as it may prescribe; and

WHEREAS, at a meeting of the Governing Body held on January 11th, 2024 the City Clerk was authorized to advertise a Request for Proposal for the Higbee Pier Slip Lease (Resolution 41 of 2024); and

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WHEREAS, the City of Somers Point received proposals on February 29th, 2024 for the City's the Higbee Pier Slip Lease and

WHEREAS, the City Council Marina Committee has recommended that the City award the lease to David Weber, T/A The Duke O'Fluke; and

WHEREAS, the Somers Point Board of Recreation has previously expressed their support for this program; and

WHEREAS, the Green Acres Program has indicated no objection to this conditional use with the understanding that this is not considered to be the ultimate, exclusive use of the property in the future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to enter into a lease agreement with David Weber, T/A The Duke O'Fluke. The period of the lease shall be from April 15th, 2024 until April 14th, 2026 subject to the terms and conditions of the Lease agreement which is attached hereto and made a part hereof.

Consent Agenda Resolutions:

On the motion of Council Member Owen, seconded of Council Member McCarrie and carried to approve the Consent Agenda Resolutions.

No. 79 of 2024

Subject: **Authorizing Execution of 2024 Municipal Aerial Mosquito Control Agreement**

Sponsored by: **Council President Johnston**

WHEREAS, from time to time it may become necessary to perform aerial application of pesticides for mosquito control over certain areas of Somers Point; and

WHEREAS, such application should be performed by the Atlantic County Department of Public Works, office of Mosquito Control; and

WHEREAS, all pesticides and aircraft utilized are approved for aerial application by State and Federal governments; and

WHEREAS, the Atlantic County Department of Public Works, Office of Mosquito Control shall notify the Somers Point Police Department, the City and local news media prior to any application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor Dennis Tapp is hereby authorized to execute the 2024 Municipal Aerial Mosquito Control Agreement, a copy of which is attached hereto and made a part hereof.

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No. 80 of 2024

Subject: Authorizing the Execution and Delivery of an Escrow Agreement Between the City of Somers Point and 901 Mays Landing Road, LLC For the Vacation of Oak Lane.

Introduced by: Council President Johnston and Council Members Dill and DePamphilis

Whereas, the City Council has considered a street vacation of Oak Lane pursuant to the request from 901 Mays Landing Road, LLC; and

Whereas, this review and consideration of the street vacation has to date required the City to incur certain legal and engineering fees; and

Whereas, it is anticipated that the City will incur further costs associated with any publication and recording of the ordinance for such street vacation; and

Whereas, 901 Mays Landing Road, LLC, has agreed to reimburse the City of Somers Point for the fees incurred, as well as future costs incurred in connection with the consideration of such a vacation; and

Whereas, it is desirable for the City of Somers Point and 901 Mays Landing Road, LLC, to enter into an escrow agreement relative to ensuring the City is reimbursed for fees and costs associated with the aforesaid review and consideration and possible street vacation;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the Mayor is authorized to execute and deliver the Escrow Agreement between the City of Somers Point and 901 Mays Landing Road, LLC, in the form attached hereto.

No. 90 of 2024

Subject: Accepting a Financial Donation from Shore Medical Center

Introduced by: Council President Johnston

WHEREAS, pursuant to N.J.S.A. 40A:5-29, the City of Somers Point, County of Atlantic, State of New Jersey (the "City") is authorized to accept gifts and to utilize said gifts in a manner which is not inconsistent with the laws of the State of New Jersey and of the United States; and

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WHEREAS, Shore Medical Center donated to the City, Somers Point Police Department; (\$14,000.00) fourteen thousand dollars in November of 2023; and

WHEREAS, the City has accepted the above-described donation as it can be used to enhance the operations of the Police Department towards the purchase of Police Ballistic Shields; now, therefore, be it

RESOLVED, by the City of Somers Point that the City has hereby accepted and acknowledged the donation from Shore Medical Center and, be it

FURTHER RESOLVED, that the City of Somers Point, on behalf of the employees and citizens of this municipality, extend their gratitude and appreciation to Shore Medical Center.; and, be it

FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to Shore Medical Center for their records.

Old Business:

None

New Business:

- City Council approved a Social Affair Permit Application, with Council President Johnston and Council Members Owen and Haberkorn recusing, for American Legion Clark Eliason Post 352 for an event on July 21, 2024, from 4:00 pm to 8:00 pm.
- On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve an Extension of Premises Application for the Anchorage on 4/27/2024 from 11:00 AM to 5:00 PM.

Discussion of Bills:

Administrator Frost reported a Bill List dated 3/12/2024 in the amount of \$448,134.82.

Public Portion:

The meeting was duly opened to the public.

Gary, a resident, indicated to City Council that the lack of sidewalks on Groveland and Maryland Avenue could be a safety concern.

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Ed O'Donnell shared upcoming events in the City and wished for people to be nicer to one another.

Patricia Pierson remembered PJ Leary, a Somers Point resident who recently passed away and showed her support for the Art Commission.

Hearing nothing further from the public, the public hearing was duly closed.

Payment of Bills:

M/S – Dill/McCarrie

The Bill List was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

Comments from Governing Body:

None

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:45 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:02 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Haberkorn seconded and carried to adjourn the meeting at 9:03 p.m.

Submitted by:

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 3/28/2024

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