

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 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: Haber Korn, Owen, McCarrie, McGuigan, Dill, Johnston

Also Present: Mayor Tapp, Administrator Frost, City Clerk Samuelson, City Solicitor Smith, and City Engineer Schneider

Absent: DePamphilis

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.

Council President Johnston asked for a motion for the consideration of a 48-hour waiver for Resolution No. 102 of 2024.

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve a 48-hour waiver to consider Resolution No. 102 of 2024.

Introduction to Municipal Budget 2024

Auditor Leon Costello gave a brief overview of the proposed budget. He noted an approximate 1.4 cent tax increase. The public hearing and final adoption will be held on April 25, 2024.

Special Presentation:

Dottie McCrosson, Esquire, of McCrosson & Stanton, on behalf of her clients, requested City Council to consider the adoption of an ordinance to vacate a portion of Dobbs Avenue.

Council President Johnston asked the Redevelopment Committee to discuss and come back with a recommendation at the next City Council meeting.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Communications:

None

Mayor's Report:

Mayor Tapp updated the public on upcoming events, such as, the Easter Egg Hunt at John F. Kennedy Park on 3/30/24 at 9:00 am; City Wide Spring Clean-up on 4/6/24 at 9:00 am and Bayfest on 4/27/24. He also announced that he and City Administrator Frost have started looking into options for potentially adding solar panels to City buildings.

Engineers Report:

City Engineer Schneider informed City Council on the ongoing projects around the City. He mentioned that the Ocean Avenue Project Phase 1 is almost complete and that the plans for Phase II are complete. Furthermore, he revealed that the paving has started for the Colwick, Devon, Exton and Bala Drive project.

Council President Johnston announced that there are three new bus stops and thanked City Engineer Schneider and John Helbig for their contributions.

Committee Reports:

Doug Shallcross, Recreation Director, updated everyone on upcoming events: the Easter Egg Hunt on 3/30/24, the Beach Concerts, which will be running from 6/14/24 to 9/6/24, the Kids Concert Series and the City-Wide Yard Sale on 5/18/24 and 5/19/24. Next, he discussed improvements being made at the recreation fields and announced that the Somers Point Police Athletic-Activities League have started a girl's soft ball league. Lastly, he stated that he is looking into having more classes being offered at the Senior Center.

Council President Johnston met with the Budget Committee where they discussed revisions to the City's Mercantile and Business Registration licensing. She revealed that everyone agreed on doing away with the Mercantile License and having only a Business Registration License. The committee will bring their fee schedule recommendations back to City Council in the future.

Council Member Haberkorn attended the Economic Development Advisory Commission meeting on 3/25/24, where they discussed the City's Masterplan and bringing back "Business of the Month." Next, he detailed that the School Board is encouraging residents to write to legislators about the school funding and that on 4/10/24, at the Jordan Road School there will be a meeting for all residents

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

regarding climate, culture and conduct at 6:00 pm. Lastly, he announced that the new Superintendent has been elected, Ted Pugliese, effective 7/1/24.

Council Member Owen announced that the Art Commission is offering free art classes for children in 1st through 4th grade from 10 am to 12 pm on 4/6/24, 4/20/24, 4/27/24 and 5/4/2024.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Haberkorn and carried to approve, the Regular Meeting Minutes of 03/14/2024.

Proclamations:

The following proclamation was read by Mayor Tapp.

No. 7 of 2024

Subject: Proclaiming April Alcohol Awareness Month

WHEREAS, the legal drinking age in the United States is 21; and

WHEREAS, the Nation’s student councils have identified alcohol as their school’s most serious problem; and

WHEREAS, drinking has a negative effect on the academic performance of students; and

WHEREAS, underage drinkers are at the greatest risk for alcohol poisoning; and

WHEREAS, alcohol use among junior high school students is increasing; and

WHEREAS, enforcement of the legal drinking age is an adult responsibility.

WHEREAS, I call upon all citizens, parents, government agencies, public and private institutions, businesses, hospitals and schools in our community to help raise awareness about the critical public health issue of underage drinking.

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 April as Alcohol Awareness Month

Ordinances:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Ordinance No. 8 of 2024

M/S- Dill/Owen

(Second Reading/Public Hearing/Adoption)

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

Council President Johnston duly opened the meeting to the public.

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

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:

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- (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);
 - [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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

[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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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

M/S- Owen/Dill

(Second Reading/Public Hearing/Adoption)

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

Council President Johnston duly opened the meeting to the public.

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined 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,

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 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.

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

“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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

“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.

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

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

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

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.

“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.

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

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

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

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

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

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

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

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

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

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

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- 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
- 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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §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-

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

<https://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.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Vegetative Filter Strip	60-80	No	No	--
-------------------------	-------	----	----	----

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

(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).

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §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).

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

- 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 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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

- (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 Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at §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

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §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

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- (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:

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

- (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 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://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:

REGULAR MEETING MAYOR AND CITY COUNCIL March 28, 2024

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

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

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

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-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39

§ 114-215. Sources for Technical Guidance.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- 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/>.

- (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

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

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:

- (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:

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

- (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:
 - (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 §114-217E for an illustration of safety ledges in a stormwater management BMP; and

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

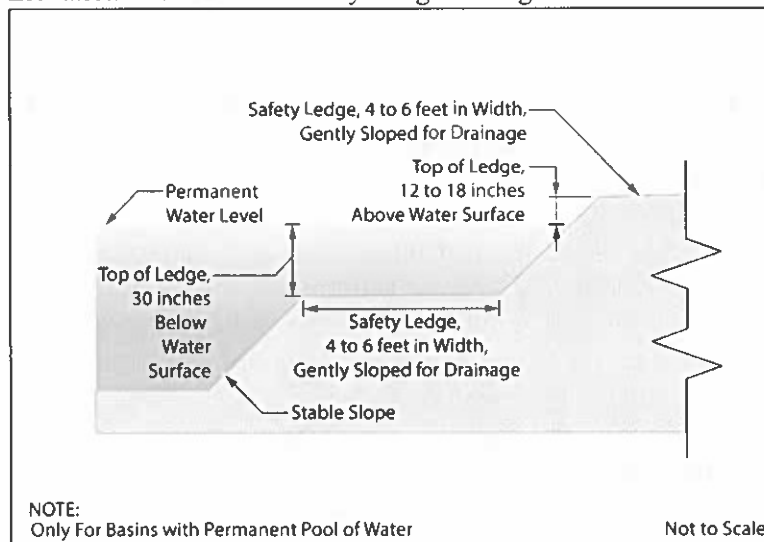
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard:

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.

REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024

C. Submission of Site Development Stormwater Plan

The following information shall be required:

(1) Topographic Base Map

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

(2) Environmental Site Analysis

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

(3) Project Description and Site Plans

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

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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

- (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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the party responsible for maintenance identified under §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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- (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 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.

Ordinance No. 10 of 2024

M/S- Dill/Owen

(First Reading/Introduction)

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

No. 10 of 2024

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197, N.J.S.A. 39: 4-197.6, N.J.S.A. 40:48-2.46 all Which Grant the City the Authority to Regulate Handicapped Parking Within the City, Amending Chapter 250 – Vehicles and Traffic, Article III - Handicapped Parking, Section 250-50 – Designations of Spaces of the Somers Point Municipal Code

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. 40:48-2.46 authorizes a Municipality, by ordinance, to regulate parking in public parking lots of businesses; and

WHEREAS, Chapter 250 – Vehicles and Traffic; Article III - Handicapped Parking; Section 250-50 – Designations of Spaces; of the Somers Point Municipal Code sets forth areas which are to be designated and marked as handicapped parking spaces within the City of Somers Point; and

WHEREAS, from time to time, the City is made aware that the necessity of a handicapped parking at a certain location is no longer needed or that the property location is incorrect; and

WHEREAS, City Council recognizes that the necessity of removing such properties from the list of handicapped parking under Section 250-50 of the Somers Point Code, as well as ensuring that such properties are properly identified in said section.

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. That Chapter 250 – Vehicles and Traffic; Article III - Handicapped Parking; Section 250-50 – Designations of Spaces; of the Somers Point Municipal Code is hereby amended to reflect the following changes:

- The Location of “Directly in front of 55 Gibbs Avenue” for the handicapped parking space located on Delaware Avenue [Added 12-19-2005 by Ord. No. 23-2005] is hereby deleted as an incorrect location and replaced with the location of “Directly in front of 11 Delaware Avenue;” and
- The Location of “Directly in front of 11 Delaware Avenue” for the handicapped parking spot on East New Jersey Avenue is hereby deleted for being an incorrect location;
- The space on Gibbs Avenue [Added 11-17-2008 by Ord. No. 25-20008], North Side, is hereby repealed as it is no longer necessary for the property at 55 Gibbs Avenue; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

- The space on Groveland Avenue [Added 12-16-2021 by Ord. No. 15-2021], South Side, with a Location of “Directly in front of 658 Groveland Avenue,” is hereby repealed as it is no longer necessary for this property; and
- The spaces at Harbor Lights Restaurant, Bay Avenue, North Side of front entrance, Location of “First 3 parking spaces” is hereby deleted as no longer necessary for this property since there is no longer an improvement at such site.

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.

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

Ordinance No. 11 of 2024

M/S- Dill/Owen

(First Reading/Introduction)

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

No. 11 of 2024

**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 Restricted Parking Zones in Front
of a Residence**

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

WHEREAS, Chapter 250 – Vehicles and Traffic; Article V- Residential Parking Permits; Section 250-54 – Designations of Locations; of the Somers Point Municipal Code sets forth areas which are to be designated and marked as permit parking only; and

WHEREAS, from time to time, the City is made aware that the necessity of permit parking for a handicapped parking space at a certain location is no longer needed; and

WHEREAS, City Council recognizes that the necessity of removing such properties from the list of permit parking under Section 250-54 of the Somers Point Code.

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 250-54 – Designations of Locations to repeal and remove the following location;

- Name of Street – Groveland Avenue [Added 12-16-2021 by Ord. No. 15 of 2021]; Side – South; Designated Location – Directly in front of 658 Groveland Avenue.

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.

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 No. 98 and emphasized the need for public access to the bay on Goll Avenue.

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

Resolution No. 91 of 2024

M/S- Owen/Dill

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan asked City Engineer Schneider for clarification on this resolution.

No. 91 of 2024

Subject: Authorizing Grant Agreement with the Federal Emergency Management Agency (FEMA) for the Gulph Mills Pump Station Scoping Project FY 22

Introduced By: Council President Johnston

WHEREAS, per resolution 208 of 2022, the City applied for a FY 2022 Flood Mitigation Assistance Program Administered by the Federal Emergency Management Agency Grant; and

WHEREAS, the City of Somers Point qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Flood Mitigation Assistance (FMA) Program provides funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and

WHEREAS, eligible activities for the FMA Programs include: scoping studies, flood walls, property acquisition and structure demolition or relocation and structure elevation; and

WHEREAS, the City of Somers Point strives to save tax dollars; assist homeowners to mitigate the potential negative impact; and recover from Natural Disasters; assure clean land, air, and water; and improve working and living environments; and

WHEREAS, in a letter dated March 19th, 2024 the City of Somers Point was awarded the Hazard Mitigation Assistance (FMA) Grant FY 2022 EMN-2022-FM-003-0010 : Gulph Mills Pump Station.

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

1. Program Funding has been made available in an amount not to exceed the total project cost of \$115,000.00 with a Federal Share of \$86,250.00 and a Non-Federal Share (Local Match) of \$28,750.00.
2. Upon appropriate review of the agreement by the City Solicitor, the City Council of the City of Somers Point hereby authorizes the Mayor and/or the City Administrator and the City Clerk to sign the Grant Agreement for this project on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the agreement and approves the execution of the agreement. The Mayor and/or the City Administrator is hereby authorized and directed to execute the agreement in the form attached hereto. The Administrator is authorized to advertise an RFQ for any and all professional services that the City may need in accordance with the above referenced grant if applicable. Mayor and/or the City Administrator and the City Clerk are also hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Resolution No. 92 of 2024

M/S- Owen/Dill

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

No. 92 of 2024

Subject: Resolution Adjusting the Recently Approved Amendment of the Agreement between the City of Somers Point and the New Jersey State Policemen's Benevolent Association Inc, Mainland Local #77 (Somers Point Patrol Officer's and Dispatchers)

Proposed By: Mayor Dennis Tapp

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Patrol Officer's and Dispatchers are parties to a Collective Bargaining Agreement ("Agreement") which term was set from January 1st, 2022 through December 31st, 2024; and

WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Patrol Officer's and Dispatchers negotiated and agreed to a Memorandum of Agreement which was approved by Resolution 220 of 2021; and

WHEREAS, due to an emergent staffing situation in the Police Department Dispatch, the City of Somers Point previously amended the Agreement between the City of Somers Point and the New Jersey State Policemen's Benevolent Association Inc, Mainland Local #77 per Resolution 54 of 2024; and

WHEREAS, the previous amendment requires adjustment in order to correct an operational concern regarding the rate of overtime pay for the Police Dispatchers; and

WHEREAS, the agreement between the City of Somers Point and the Mainland PBA, Local 77, Somers Point Patrol Officer's and Dispatchers Section 11.2.3 of the agreement pertaining to the Police Officer's terms and conditions shall remain unchanged; and

WHEREAS, the Police Chief's recommendation regarding the updated amendment has been reviewed by the City's Budget Committee, Business Administrator, and CFO; all parties concur that it is in the interest of the City's health, safety, and well being to allow for this adjusted amendment to be incorporated into the agreement between the City of Somers Point and the Mainland PBA, Local 77, Somers Point Patrol Officer's and Dispatchers; and

WHEREAS, the recommended updated amendment to the agreement between the City of Somers Point and the New Jersey State Policemen's Benevolent Association Inc, Mainland Local #77 (Somers Point Patrol Officer's and Dispatchers) is hereby agreed to by this governing body attached hereto in draft form and made a part hereof this resolution.

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

1. Mayor Dennis Tapp is hereby authorized to sign off on the updated amendment on behalf of the City which will then be incorporated into the full, formal written agreement.
2. Once the formal written amendment is prepared and mutually agreed to by both parties, Mayor Dennis Tapp. is hereby authorized to sign the amendment

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

between the City of Somers Point and the Mainland PBA, Local 77, Somers Point Patrol Officer's and Dispatchers on behalf of the City and a copy thereof will be attached hereto.

Resolution No. 93 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan and Council President Johnston commended Stephen Hornig.

No. 93 of 2024

Subject: Employee Advancement of Stephen Hornig

Introduced By: Council President Johnston

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Stephen Hornig has been employed by the City of Somers Point since May of 2005, has performed the duties of Laborer in the Public Works Department on a part time basis beginning in 2005 and a full time basis beginning October 1st, 2005; and

WHEREAS, the City Administrator and Supervisor of Public Works have recommended that Stephen Hornig be promoted; and

WHEREAS, adequate funds are available within the Public Works Department operations in the 2024 budget for this promotion.

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

- 1.) Effective April 1st, 2024, the salary of Stephen Hornig will be in accordance with the designation of DPW Level 7, Blue Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115 plus an additional amount \$11,430, which for 2024 is \$83,454.

Resolution No. 94 of 2024

Introduction to Municipal Budget 2023

M/S: Dill/Owen

This resolution was adopted by unanimous roll call vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Resolution No. 95 of 2024

M/S- Haberkorn/Dill

This resolution was adopted by unanimous vote of those present.

Council President Johnston asserted that she hopes this resolution will help restore the school state aid funding.

No. 95 of 2024

Subject: Requesting that Public School State Aid Funding be Restored

Introduced By: Council President Johnston and Council Member Charles Haberkorn

WHEREAS, education is an empowering tool for children and youth, equipping them with the knowledge and skills required to unlock their potential and contribute to their communities; and **WHEREAS**, the City Council of the City of Somers Point supports the teachers, aides, staff, administrators, and school board members of the Somers Point School District who work diligently and passionately to nurture and educate the children of our community; and **WHEREAS**, the School District has recently been informed that their State Aid funding will be reduced by approximately \$1.135 million; and **WHEREAS**, the School District is faced with an increase of \$440,000 in General, Health Care and Payroll costs for the upcoming 2024/2025 School Year; and **WHEREAS**, approximately 65% of the students in the district are in need of educational assistance and are part of the free and reduced lunch program, the proposed reduction in State Aid will severely hamper the district's ability to provide these programs; and **WHEREAS**, the district continues to improve, noting that the Dawes Avenue School has been recently removed from the "In Need of Improvement" list due to the diligent hard work of the staff and the support of State Aid; and **WHEREAS**, the reduction of aid coupled with the rising costs will hinder the district's operation which will necessitate a reduction in professional staff and teachers that will cause a reduction in programming and services that the School District provides to the students. **NOW THEREFORE, BE IT RESOLVED**, that the governing body of the City of Somers Point implore our State Leaders to review school funding formulas and to reinstate the full State Aid for the school year 2024/2025 so that the Somers Point Board of Education can continue to educate the children of Somers Point effectively and efficiently. **BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to New Jersey Governor Philip Murphy, District 2 State Senator Vincent J. Polistina, District 2 Assemblywoman Claire Swift, District 2 Assemblymen Don Guardian, and the members of the Somers Point Board of Education.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Resolution No. 96 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 96 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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 March 28, 2024, 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:

Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City entitled, “Bay Point Motel, Inc. vs. City of Somers Point,” having a docket number of ATL-C-000085-24.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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. 97 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 97 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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 March 28, 2024, during a public meeting to be held commencing at 7:00 PM, 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**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

duties as a lawyer.”

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

Advice of Counsel and attorney-client communication regarding the status of litigation involving the City and its Zoning Board entitled, “Garden State Outdoor, LLC v. City of Somers Point, City of Somers Point Zoning Board,” having a docket number of ATL-L-143-23.

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. 98 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 98 of 2024

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSEL REGARDING THE POTENTIAL OF
ESTABLISHING CERTAIN REDEVELOPMENT AREAS WITHIN THE CITY
OF SOMERS POINT**

Introduced By: Council President Johnston

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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 March 28, 2024, 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:

Advice of Counsel and attorney-client privileged communication regarding the potential of establishing certain redevelopment areas in the City of Somers Point.

WHEREAS the length of the Executive Session is estimated to be approximately 30 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 with counsel regarding potential redevelopment areas in the City.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Resolution No. 99 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 99 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION REGARDING THE STATUS OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND AVIA NJ MAYS LANDING, LLC, CONCERNING BLOCK 2020, LOT 3, ALSO KNOWN AS 900 MAYS LANDING ROAD

Introduced By: Council President Johnston

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 March 28, 2024, 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:

Advice of Counsel and attorney-client privileged communication regarding the status of a potential redevelopment agreement between the City and Avia NJ Mays Landing, LLC.

WHEREAS the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

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 with counsel regarding contract negotiations.

Resolution No. 100 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Mayor Tapp emphasized the importance of this request.

No. 100 of 2024

Subject: A Resolution Authorizing the Mayor to Send Correspondence to the State’s Department of Transportation Requesting that it Conduct a Traffic Safety Study for Route 52 in Somers Point

Introduced by: Council President Johnston and Council Member Dill

WHEREAS, New Jersey State Highway Route 52 (Route 52) runs from State Highway Route 9 (Route 9) in the City of Somers Point (City)southeasterly to the start of 9th Street in the City of Ocean City; and

WHEREAS, in 2006 through approximately 2013, the State of New Jersey’s Department of Transportation engaged in a construction project commonly known as the “Route 52 Corridor Project.”

WHEREAS, this Route 52 Corridor Project included the removal of the Somers Point Circle, the construction of a new causeway with bridges, as well as certain modifications on

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Route 52 between the old Circle intersection and Route 9, which portion of Route 52 is also known as MacArthur Boulevard; and

WHEREAS, MacArthur Boulevard, in both directions, starts as a two-lane roadway with one lane then merging into the left lane in each direction; and

WHEREAS, MacArthur Boulevard maintains a 40 mph speed limit; and

WHEREAS, Route 52 through the City of Somers Point is, at times, a heavily travelled roadway, not only because it serves as one of two primary roadways leading into the City of Ocean City, but also because it services numerous businesses along Route 52, as well as those along the old Circle intersection; and

WHEREAS, subsequent to the completion of the Route 52 Corridor Project, certain new business operations were constructed, including a Wawa convenience store with gas station, as well as the Windjammer Restaurant; and

WHEREAS, across the street from these businesses are two motels servicing visitors to the City; and

WHEREAS, in the last 8 months there have been two pedestrian fatalities on MacArthur Boulevard in Somers Point wherein individuals attempted to cross the Boulevard at or near the two aforesaid businesses; and

WHEREAS, the safety of its residents and visitors is primary concern of the City Council for Somers Point.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the City's Mayor, Dennis Tapp, is hereby authorized to send correspondence, with a copy of this Resolution to the State of New Jersey's Department of Transportation requesting that it conduct a traffic safety study of State Highway Route 52 in the City of Somers Point.

BE IT FURTHER RESOLVED that District 2 State Senator Vincent J. Polistina, District 2 Assemblywoman Claire Swift, and District 2 Assemblymen Don Guardian be copied on the aforesaid correspondence, as well as receive a copy of this resolution.

Resolution No. 101 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 101 of 2024

Subject: Employee Advancement of Donna Heiler

Introduced By: Council President Johnston

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

WHEREAS, Donna Heiler has been employed by the City of Somers Point since September 22nd, 2022, has performed the duties of AC/ Typist 5 in the Tax Collector's Office in addition to recently passing an exam to receiving the Certification of Municipal Tax Collector; and

WHEREAS, the Municipal Tax Collector, City Administrator, and City Council Personnel Committee have recommended that Donne Heiler be promoted; and

WHEREAS, adequate funds are available within the Municipal Tax Collection operations in the 2024 Budget for this promotion.

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

- 2.) Effective January 1st 2024 the salary of Donna Heiler will be in accordance with the designation of AC/ Typist 4, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which for 2024 is \$40,916.

Resolution No. 102 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous roll call vote of those present.

No. 102 of 2024

Subject: Temporary Budget Emergency #2

Introduced by: Council Members

WHEREAS an emergent condition has arisen with respect to an anticipated delay in adopting the local budget and no adequate provision has been made in the 2024 temporary appropriations for the aforesaid purpose; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20), including this resolution total \$10,337,300.00 for the Current Fund and \$2,008,100.00 for the Sewer Utility.

NOW, therefore, be it resolved by the City Council of the City of Somers Point, not less than two-thirds of all of the members thereof affirmatively concurring, that, in accordance with the provisions of N.J.S. 40A:4-20:

- 1) An emergency temporary appropriation be and the same is hereby made for individual items outlined

REGULAR MEETING MAYOR AND CITY COUNCIL March 28, 2024

below in the total amount of \$10,337,300.00 for the Current Fund and \$2,008,100.00 for the Sewer Utility.

- 2) That said emergency temporary appropriation will be provided for in the 2024 budget under the titles as outlined below.

CURRENT FUND BUDGET		TEMPORARY
GENERAL GOVERNMENT FUNCTIONS		
General Administration	S&W	55,000.00
	OE	35,000.00
Mayor and Council	S&W	40,000.00
	OE	40,000.00
Veteran's Events	OE	1,500.00
Municipal Clerk	S&W	90,000.00
	OE	40,000.00
Financial Administration	S&W	45,000.00
	OE	35,000.00
Audit Services	OE	40,000.00
Computerized Data Processing	OE	30,000.00
Tax Assessment Administration	S&W	10,000.00
	OE	45,000.00
Tax Collection	S&W	75,000.00
	OE	15,000.00
Legal Services	S&W	
	OE	115,000.00
Engineering Services	S&W	
	OE	15,000.00
Economic Development Commission	OE	20,000.00
LAND USE ADMINISTRATION		
Planning Board	S&W	15,000.00
	OE	15,000.00
Zoning Board of Adjustment	S&W	15,000.00
	OE	15,000.00
Environmental Commission	OE	2,000.00
Historic Commission	OE	3,000.00
Arts Commission	OE	4,000.00
CODE ENFORCEMENT AND ADMINISTRATION		
UCC Enforcement Functions	S&W	80,000.00
	OE	20,000.00
Other Code Enforcement Functions	S&W	25,000.00
	OE	18,000.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Demolition of derelict buildings	OE	5,000.00
INSURANCE		
Unemployment Insurance	OE	10,000.00
Surety Bond Premiums	OE	1,000.00
Other Insurance/General Liability	OE	90,000.00
Workers Compensation Insurance	OE	220,000.00
Employee Group Insurance	OE	1,000,000.00
Group Insurance Opt-out	OE	25,000.00
PUBLIC SAFETY FUNCTIONS		
Police Department	S&W	1,500,000.00
	OE	100,000.00
Police Dispatch/911	S&W	220,000.00
	OE	10,000.00
Office of Emergency Management	S&W	10,000.00
	OE	4,000.00
Fire Department	S&W	20,000.00
	OE	80,000.00
Fire Prevention Bureau	S&W	2,000.00
	OE	2,000.00
Municipal Prosecutor's Office	S&W	
	OE	12,000.00
Emergency Medical Services	S&W	
	OE	30,000.00
PUBLIC WORKS FUNCTIONS		
Other Public Works Functions	S&W	350,000.00
	OE	45,000.00
Solid Waste/Sanitation Collection	S&W	275,000.00
	OE	125,000.00
Buildings and Grounds	S&W	100,000.00
	OE	50,000.00
Vehicle Maintenance	OE	75,000.00
APT. TRASH COLLECTION PL2001,c.025	OE	25,000.00
MUNICIPAL SERVICES ACT		
Community (Municipal) Services Act	OE	50,000.00
HEALTH AND HUMAN SERVICES		
Animal Control Services	OE	6,000.00
RECREATION AND EDUCATION		
Recreation (Community) Services and Programs	S&W	25,000.00
	OE	30,000.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Maintenance of Parks & Recreation Facilities	S&W	100,000.00
	OE	30,000.00
MUNICIPAL COURT		
	S&W	75,000.00
	OE	12,000.00
Public Defender	S&W	
	OE	8,000.00
OTHER COMMON OPERATING FUNCTIONS (UNCLASSIFIED)		
UTILITY EXPENSES AND BULK PURCHASES		
Fire Hydrants	OE	80,000.00
Electricity	OE	100,000.00
Street Lighting	OE	100,000.00
Telephone	OE	60,000.00
Water	OE	40,000.00
Natural Gas	OE	25,000.00
Fuel Oil - Heating	OE	1,000.00
Fuel Oil - Diesel	OE	50,000.00
Telecommunications costs	OE	15,000.00
Sewerage processing and disposal	OE	7,800.00
Gasoline	OE	50,000.00
LANDFILL/SOLID WASTE TIP FEES	OE	100,000.00
CONTINGENT	OE	1,000.00
STATUTORY EXPENDITURES		
Public Employees Retirement System	OE	508,000.00
Social Security	OE	220,000.00
Defined Contribution Retirement Plan	OE	8,000.00
Police and Fire Retirement System	OE	1,009,000.00
DEFERRED CHARGES PRIOR YEARS' BILLS	OE	
LOSAP	OE	10,000.00
STATUTORY EXPENDITURES		
RECYCLING TAX APPROPRIATIONS (PL 2008, c311)	OE	6,000.00
HEALTH INSURANCE EXCLUSION		
RESERVE FOR TAX APPEALS		
FEDERAL AND STATE GRANTS		
Safe and Secure - State	OE	
Safe and Secure - City Match	OE	60,000.00
Matching Funds for Grants	OE	
NJ Law & Public Safety - Body Armor Grant	OE	
NJDOT FY2022 Ocean Ave Ph II	OE	
NJDOT Safe Streets to Transit Program	OE	

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

NPP Bayfront Preservation	OE	35,000.00
Local Recreation Improvement Grant	OE	
CAPITAL IMPROVEMENTS	OE	
Capital Improvement Fund	OE	45,000.00
MUNICIPAL DEBT SERVICE		
Bond Principal	OE	1,495,000.00
Note Principal	OE	100.00
Bond Interest	OE	540,900.00
Note Interest	OE	90,000.00
DEFERRED CHARGES		
Deferred Charges to Future Taxation Unfunded	OE	
Special Emergency - Reassessment	OE	
Subtotal, without the reserve for uncollected taxes:		10,337,300.00
RESERVE FOR UNCOLLECTED TAXES	OE	
TOTAL TEMPORARY EMERGENCY BUDGET		10,337,300.00
SEWER UTILITY BUDGET		
Salaries	S&W	300,000.00
Other Expenses	OE	250,000.00
Atlantic County Utility Authority	OE	500,000.00
Def Charges - Overexpenditure of Appropriations	OE	
Deficit in operations	OE	
Bond Principal	OE	480,000.00
BAN Principal	OE	100.00
Bond Interest	OE	219,000.00
BAN Interest	OE	75,000.00
NJEIT Loan - Principal	OE	78,000.00
NJEIT Loan - Intererst	OE	81,000.00
Social Security	OE	25,000.00
Capital Improvement Fund	OE	
TOTAL BUDGET		2,008,100.00

Old Business:

None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

New Business:

- City Council approved the Social Affair Permit for American Legion Clark Eliason Post 352, for an event on 5/7/2024 from 11:00 am to 4:00 pm contingent on approval from the Chief of Police.
- City Council approved the Social Affair Permit for Court Appointed Special Advocates of Atlantic, Cape May and Camden Counties, for an event on 6/10/2024 from 11:00 am to 6:00 pm, contingent on approval from the Chief of Police.

Discussion of Bills:

Administrator Frost reported a Record of Payment dated 3/15/2024 in the amount of \$13,623.03, an additional Record of Payment dated 3/26/2024 in the amount of \$16,930.20 and a Bill List dated 3/26/2024 in the amount of \$1,123,512.06.

Public Portion:

The meeting was duly opened to the public.

Patricia Pierson thanked Mayor Tapp and City Council for the repainting of the Construction Office.

Chuck Westcott, on behalf of the Somers Point Foundation for Education, announced their upcoming event on 4/25/2024 from 3:00 to 6:00 pm at the Somers Point Brewing Company.

Nelson Dice shared his discontent with the City Prosecutor.

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

Payment of Bills:

M/S – Dill/Owen

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:

Council Member Owen expressed his anticipation for the Easter Egg Hunt.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 28, 2024**

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:50 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:10 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 9:12 p.m.

Submitted by:



Lucy R. Samuelson, RMC

Municipal Clerk

Approved: 4/11/2024