



CITY OF ABSECON
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CITY COUNCIL

March 4th, 2021

REGULAR MEETING – 5:30 PM

AGENDA

FLAG SALUTE

ROLL CALL

PRESIDENT'S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

REGULAR MEETING AGENDA

2021 ORDINANCES FOR INTRODUCTION

- 06** Amending the Code of the City of Absecon Chapter 224, Land Use and Development, Article XXXV-Stormwater Control.

2021 ORDINANCE FOR ADOPTION

- 04** An Ordinance to exceed the Municipal Budget appropriation limits and to establish a Cap Bank (N.J.S.A. 40A-45.14)
- 05** An Ordinance establishing salary ranges for the City of Absecon.

REGULAR MEETING AGENDA

2021 RESOLUTIONS

- 47** Amending Resolution #03 & #41-2021, confirming meetings of City Committees, Commissions and Boards for the year 2021.
- 48** Authorizing the Mayor and other City Officials to execute a 2021 Safety Contract with the Atlantic County Municipal Joint Insurance Fund.
- 49** Appointing a Full Time Patrol Officer, namely Da'Zhon Bethea.
- 50** Accepting a Volunteer Firefighter into the Absecon City Fire Department, namely James Watts.
- 51** Authorizing the Mayor to enter into an agreement with a third-party company for off-duty police detail administration.
- 52** Authorizing the submission of an application for Grant Funding and the execution of a Grant Contract with the New Jersey Department of Transportation for the Central Business District Streetscape – Phase 4.
- 53** Authorizing the release of a Maintenance Guarantee posted by Range 129, LLC.
- 54** Authorizing the City Clerk to issue Boat Ramp Permits to local marinas.
- 55** Authorizing 2021 salaries for non-union employees.
- 56** Authorizing the Mayor to sign a Collective Bargaining Agreement between the City of Absecon and the Government Workers Union.
- 57** Authorizing to increase the Deferred Local School Tax.
- 58** Authorizing the Self-Examination of the 2021 Budget.
- 59** Authorizing the Introduction of the 2021 Municipal Budget.

PUBLIC PORTION (Agenda Items Only)

CONSENT AGENDA - Resolutions read by title that have been moved to consent.

APPROVAL OF BILL LIST - \$ 534,831.28

APPROVAL OF MINUTES

Regular Meeting Minutes – 4/04/2021

Regular Meeting Minutes – 2/18/2021

Budget Meeting Minutes – 2/11/2021

REPORTS Council
Administrator/CFO
Mayor

PUBLIC PORTION**ADJOURNMENT**

CITY OF ABSECON

ORDINANCE 06-2021

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224
LAND USE DEVELOPMENT ARTICLE XXXV STORMWATER CONTROL**

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

**Absecon City Code Chapter 224 Land Use Development Article XXXV Stormwater
Control shall be amended as follows:**

§ 224-311. Scope and Purpose:

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined in § 224-312.

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 Absecon

D. Compatibility with Other Permit and Ordinance Requirements

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

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

§ 224-312. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Municipality” - The City of Absecon

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this ordinance. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this ordinance. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this ordinance, provided the design engineer demonstrates to the municipality, in accordance with § 224-4F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 224-313. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. The stormwater management requirements within this ordinance, as they relate to “major development,” supersede other design requirements stipulated in Chapter 224, the Land Use and Development Ordinance of the City Code, including but not limited to the following sections:
 - 1. Article XXII, Design and Improvement Standards.

§ 224-314. 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 § 224-320.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 224-314P, 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 § 224-314O, 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 § 224-40, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of § 224-40, 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 § 224-4D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 224-40, 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 § 224-314O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--

Manufactured Treatment Device ^(a) (g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 224-314O.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 § 224-312;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 224-312.

- 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 § 224-314B. Alternative stormwater management measures may be used to satisfy the requirements at § 224-314O only if the measures meet the definition of green infrastructure at § 224-312. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 224-314O.2 are subject to the contributory drainage area limitation specified at § 224-314O.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 § 224-314O.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 § 224-314D is granted from § 224-314O.
- 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 § 224-318C;
 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 § 224-318; 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 § 224-312 may be used only under the circumstances described at § 224-314O.4.
- K. Any application for a new agricultural development that meets the definition of major development at § 224-312 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 224-314O, 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 § 224-314P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Atlantic County Clerk's Office. A form of deed notice shall be submitted to the

City of Absecon 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 § 224-314O, 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 § 224-320B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the City of Absecon. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the

clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Atlantic County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 224-314M 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 § 224-314P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 224-314.F. and/or an alternative stormwater management measure approved in accordance with § 224-314G. 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 § 224-314R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 224-314G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 224-314D 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 § 224-314G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 224-314P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 224-314P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 224-314D.

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 § 224-315, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to § 224-314P4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 224-314P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 224-315, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction

- stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
- iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 224-315. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 224-315A.1.i and the Rational and Modified Rational Methods at § 224-315.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if

the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

<https://www.nj.gov/dep/njgs/pricelst/gsreport/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.

§ 224-316. Sources for Technical Guidance:

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

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

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

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

§ 224-317. Solids and Floatable Materials Control Standards:

A. Site design features identified under § 224-314F above, or alternative designs in accordance with § 224-314G 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 § 224-317A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in § 224-317A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

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

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

§ 224-318. 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 § 224-318C.1, § 224-318C.2, and § 224-318C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 224-318C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located

approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 224-318E for an illustration of safety ledges in a stormwater management BMP; and

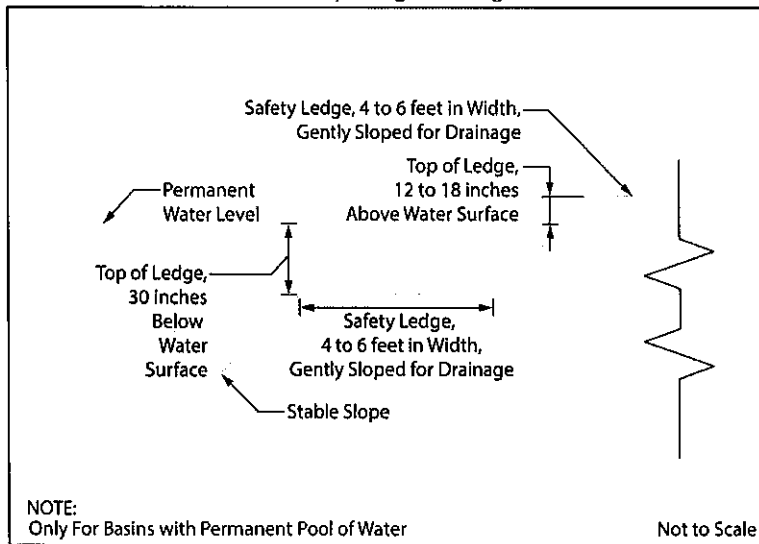
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 224-319. 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 § 224-319C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 224-319C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 224-313 through § 224-315 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 224-314 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 224-320.

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 § 224-319 C.1 through § 224-319C.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.

§ 224-320. Maintenance and Repair:

A. Applicability

Projects subject to review as in § 224-311C of this ordinance shall comply with the requirements of § 224-320B and § 224-320C.

B. General Maintenance

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

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under § 224-320B.3 above is not a public agency, the maintenance plan and any future revisions based on § 224-320B.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 § 224-320B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 224-320B.6 and §B.7 above.
 8. The requirements of § 224-320B.3 and § 224-320B.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

§ 224-321. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance or found to be in violation of the provisions of this ordinance shall be subject to the following penalties: a fine not to exceed \$500. Each day that a violation shall continue shall constitute a separate violation.

§ 224-322. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

§ 224-323. Severability:

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

Dated:

SIGNED: _____
Kimberly Horton, Mayor

ATTEST: _____
Carie A. Crone, RMC Municipal Clerk

CITY OF ABSECON

ORDINANCE 04-2021

AN ORDINANCE OF THE CITY OF ABSECON, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-45.14)

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

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

WHEREAS, the City Council of the City of Absecon in the County of Atlantic finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the City Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$217,952.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Absecon, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the City of Absecon shall, in accordance with this Ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$305,132.94, and that the CY 2021 municipal budget for the City of Absecon be approved and adopted in accordance with this Ordinance.

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

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

DATED: March 4th, 2021

SIGNED: _____
Kimberly Horton, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on February 18th, 2021. Laid over and advertised for public hearing and final adoption on March 4th, 2021.

CITY OF ABSECON

ORDINANCE 05-2020

**AN ORDINANCE ESTABLISHING SALARY RANGES
FOR THE CITY OF ABSECON**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON CITY,
NEW JERSEY** that this ordinance hereby amends portions of ordinance 2 of 2020.

This ordinance reads as follows:

1. Commencing on January 1, 2021, the annual salary or compensation paid to each of the officers or employees of the City of Absecon City holding a position under a classification established and set forth in the Ordinance shall be and the same is hereby fixed and determined within the range set forth.

Mayor	\$ 10,000.00 to 13,000.00 Per Annum
Council President	\$ 9,000.00 to 12,000.00 Per Annum
Councilperson	\$ 8,000.00 to 11,000.00 Per Annum
City Administrator	\$ 30,000.00 to 70,000.00 Per Annum
City Clerk	\$ 65,000.00 to 82,000.00 Per Annum
Deputy City Clerk	\$ 15.00 to 25.00 Per Hour
Chief Financial Officer	\$ 80,000.00 to 98,000.00 Per Annum
Finance Specialist	\$ 15.00 to 25.00 Per Hour
Tax Collector	\$ 55,000.00 to 78,000.00 Per Annum
Deputy Tax Collector	\$ 35,000.00 to 45,000.00 Per Annum
Tax Clerk	\$ 15.00 to 25.00 Per Hour
Tax Assessor	\$ 25,000.00 to 40,000.00 Per Annum
Planning/Zoning Secretary	\$ 15.00 to 28.00 Per Hour
Construction Official	\$ 65,000.00 to 85,000.00 Per Annum
Technical Assistant Construction	\$ 32,000.00 to 36,000.00 Per Annum
Sub-Code Official	\$ 5,000.00 to 15,000.00 Per Annum
Code Enforcement	\$ 15.00 to 25.00 Per Hour
Recycling/Zoning Assistant	\$ 15.00 to 25.00 Per Hour
Fire Inspector	\$ 3,000.00 to 8,000.00 Per Annum
Municipal Judge	\$ 18,000.00 to 30,000.00 Per Annum
Court Administrator	\$ 50,000.00 to 63,000.00 Per Annum
Deputy Court Administrator	\$ 15.00 to 25.00 Per Hour
Police Chief	\$100,000.00 to 134,000.00 Per Annum
Police Captain	\$ 99,000.00 to 117,000.00 Per Annum
Police Lieutenant	\$ 96,000.00 to 112,000.00 Per Annum
Police Sergeant	\$ 94,000.00 to 110,000.00 Per Annum
Patrol – Step 16	\$ 90,000.00 to 105,000.00 Per Annum
Patrol – Step 15	\$ 88,000.00 to 95,000.00 Per Annum
Patrol – Step 14	\$ 84,000.00 to 90,000.00 Per Annum
Patrol – Step 13	\$ 80,000.00 to 86,000.00 Per Annum
Patrol – Step 12	\$ 78,000.00 to 82,000.00 Per Annum
Patrol – Step 11	\$ 74,000.00 to 80,000.00 Per Annum
Patrol – Step 10	\$ 70,000.00 to 76,000.00 Per Annum
Patrol – Step 9	\$ 68,000.00 to 74,000.00 Per Annum
Patrol – Step 8	\$ 65,000.00 to 70,000.00 Per Annum
Patrol – Step 7	\$ 60,000.00 to 66,000.00 Per Annum
Patrol – Step 6	\$ 58,000.00 to 64,000.00 Per Annum
Patrol – Step 5	\$ 56,000.00 to 60,000.00 Per Annum

Patrol – Step 4	\$ 52,000.00 to 58,000.00 Per Annum
Patrol – Step 3	\$ 50,000.00 to 56,000.00 Per Annum
Patrol – Step 2	\$ 46,000.00 to 50,000.00 Per Annum
Patrol – Step 1	\$ 44,000.00 to 48,000.00 Per Annum
SLEO Class II	\$ 15.00 to 25.00 Per Hour
Police Clerk	\$ 15.00 to 28.00 Per Hour
Communications Director	\$ 60,000.00 to 78,000.00 Per Annum
Dispatcher	\$ 30,000.00 to 46,000.00 Per Annum
Part-Time Dispatcher	\$ 15.00 to 25.00 Per Hour

Those part-time dispatchers called in to work on a City recognized holiday shall receive a differential of an additional \$2.00 per hour for all hours worked on that holiday.

School Crossing Guard	\$ 12.00 to 20.00 Per Hour
Public Works Supervisor	\$ 75,000.00 to 94,000.00 Per Annum
Laborer/Operator	\$ 30,000.00 to 75,000.00 Per Annum
Foreman	\$ 2,500.00 to 3,500.00 Per Annum
Part-Time Public Works	\$ 15.00 to 25.00 Per Hour
Recreation Director	\$ 2,500.00 to 7,500.00 Per Annum
Emergency Management Coordinator	\$ 2,500.00 to 7,500.00 Per Annum

2. The salary, wage or compensation of each of the Officers or employees named in section one of this ordinance shall be paid every two weeks in 26 equal installments.
3. Any Ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
4. This Ordinance shall take effect upon final adoption and publication as required by Law.

DATED: March 4th, 2021

SIGNED: _____
Kimberly Horton, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on February 18th, 2021. Laid over and advertised for public hearing and final adoption on March 4th, 2021.

CITY OF ABSECON

RESOLUTION 47-2021

**A RESOLUTION AMENDING RESOLUTION #03-2021, AND
RESOLUTION #41-2021, CONFIRMING MEETINGS OF CITY
COMMITTEES, COMMISSIONS AND BOARDS FOR THE YEAR 2021**

WHEREAS, resolution 03-2021 adopts the dates, times and places of meetings of Boards, Commissions and Committees.

WHEREAS, some of the Committee dates and times have been changed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that resolution 03-2021 be amended as follows:

<u>TITLE</u>	<u>DATE EACH MONTH</u>	<u>TIME</u>	<u>PLACE</u>
Public Works/Sewer	3 rd Tues.	3:30 PM	Municipal Complex
Public Safety	1st Tues.	6:00 PM	Municipal Complex
Economic Development	1st Wed.	4:30 PM	Municipal Complex
Planning Board	2nd & 4th Wed.	7:00 PM	Municipal Complex
Parks & Playgrounds/ Recreation	3rd Tues.	7:00 PM	Municipal Complex
Zoning Board	3rd Tues.	7:00 PM	Municipal Complex
Library Board	3rd Mon.	1:00 PM	305 New Jersey Ave.
Community Affairs	1st Thurs.	4:30 PM	Municipal Complex
Tax Assessor	Each Wed.	9:00 AM-Noon	Municipal Complex
Revenue, Appropriations & Finance	3rd Thurs.	4:30 PM	Municipal Complex

2. This Resolution shall be advertised in The Press, viewed on ABTV Channel 97, and a copy of the resolution shall remain posted in the Lobby of the Municipal Complex.
3. This resolution is effective immediately.

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular meeting held March 4th, 2021**

ATTEST: _____
Carie A Crone, RMC, Municipal Clerk

CITY OF ABSECON

RESOLUTION 48-2021

**A RESOLUTION AUTHORIZING THE MAYOR AND OTHER CITY OFFICIALS
TO EXECUTE A 2021 SAFETY CONTRACT WITH THE ATLANTIC
COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the City of Absecon, ("City") is a member of the Atlantic County Joint Insurance Fund ("ACJIF"); and

WHEREAS, the City recognizes the role that an effective safety program plays in lowering employee injury rates, reducing lost time for accidents and cutting insurance costs, all of which contribute to greater employee safety and lower tax rates; and

WHEREAS, to that end, the City and the ACJIF desire to enter into a 2021 Safety Contract which sets forth specific steps which the City will undertake in calendar year 2021 to promote employee safety.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Absecon, that the Mayor and other City Officials of JIF Safety Committee are hereby authorized to enter into a 2021 Safety Contract with ACJIF.

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular meeting held March 4th, 2021.**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 49-2021

**A RESOLUTION APPOINTING
A FULL TIME PATROL OFFICER**

WHEREAS, there is a need to fill one vacancy for Full Time Patrol Officer in the Police Department of the City of Absecon; and

WHEREAS, Da'zhon Bethea has indicated a willingness to serve as Full Time Patrol Officer of the Absecon City Police Department at an annual salary of \$49,302.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and with advice and consent of the Council of the City of Absecon, County of Atlantic, that Da'zhon Bethea is hereby appointed as Full Time Patrol Officer in the Police Department of the City effective March 14th, 2021.

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
regular meeting held March 4th, 2021.**

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

RESOLUTION 50-2021

**A RESOLUTION ACCEPTING A VOLUNTEER FIREFIGHTER
INTO THE ABSECON CITY FIRE DEPARTMENT**

WHEREAS, there is a need for volunteer firefighters in the Absecon City Fire Department; and

WHEREAS, volunteer firefighters shall serve a probation period of one year; and

WHEREAS, these firefighters must successfully complete Firefighter 1 training.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Absecon to accept the recommendation of Fire Chief Talley to admit:

James C. Watts – 204 Creek Court, Absecon

into the Absecon City Fire Department to serve on probation for one year till he has successfully completed Firefighter 1 training.

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular meeting held March 4th, 2021**

**ATTEST: _____
Carie A Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 51-2021

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH A THIRD-PARTY COMPANY FOR
OFF-DUTY POLICE DETAIL ADMINISTRATION**

WHEREAS, the City of Absecon amended Chapter 69, Article IV of the City Code to allow for a third-party Company to administer Off-Duty Police Detail services; and

WHEREAS, Extra Duty Solutions is able to provide the desired services for scheduling, billing, and collections of Off-Duty Police Detail in conjunction with the needs of the City of Absecon; and

WHEREAS, there will be no cost to the City for these services, all fees are paid for by the client requesting the Police Detail services; and

WHEREAS, the terms of engagement for the contract continue on a month-to-month basis.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Absecon that Mayor is hereby authorized to sign an Agreement Extra Duty Solutions for the administration of Off-Duty Police Detail.

Dated: March 4, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4, 2021.**

**Attest: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 52-2021

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR
GRANT FUNDING AND THE EXECUTION OF A GRANT CONTRACT WITH
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
CENTRAL BUSINESS DISTRICT STREETScape – PHASE 4**

WHEREAS, there is a need for pedestrian safety improvements on New Jersey Avenue and W. Wyoming Avenue within the City of Absecon; and

WHEREAS, funds for improvements are available to the City of Absecon under the New Jersey Department of Transportation Local Aid Infrastructure Fund; and

WHEREAS, an application must be filed with the New Jersey Department of Transportation in order to be considered for said funding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Absecon formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the firm of Remington & Vernick Engineers is hereby authorized to submit an electronic grant application identified as LAIF-2021-CBD Streetscape Improvements - Pha-00036 to the New Jersey Department of Transportation on behalf of the City of Absecon.

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

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular meeting held March 4th, 2021**

**ATTEST: _____
Carie A Crone, RMC, Municipal Clerk**

CITY OF ABSECON
RESOLUTION 53-2021

**A RESOLUTION AUTHORIZING THE RELEASE OF A
MAINTENANCE GUARANTEE POSTED BY RANGE 129, LLC**

WHEREAS, Range 129, LLC has posted a Maintenance Guarantee for improvements on property known as, Block 159, Lot 5 in the City of Absecon in accordance with the provisions of the Municipal Land Use law; and

WHEREAS, the City Engineer has indicated that the improvements covered by the Maintenance Guarantee have been satisfactorily completed and that the Maintenance Guarantee may be released.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Absecon as follows:

1. The Chief Financial Officer is hereby authorized to release the Maintenance Guarantee previously posted in the amount of \$44,926.50.
2. The Chief Financial Officer is hereby authorized to release the balance in the escrow account of \$285.56.

Dated: March 4, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4, 2021**

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk



**REMINGTON
& VERNICK
ENGINEERS**

845 North Main Street
Pleasantville, NJ 08232
O: (609) 645-7110
F: (609) 645-7076

January 22, 2021

Tina M. Lawler, Secretary
Zoning Board of Adjustment
City of Absecon
500 Mill Road
Absecon, New Jersey 08201

**RE: Range 129 LLC
129 Pleasant Avenue (Block 259, Lot 5)
City of Absecon
Atlantic County, New Jersey
RVE File No. 01-01-I-056**

Dear Ms. Lawler:

Based on our most recent observations at the above-referenced development site, the completed site improvements remain in substantial conformance with the approvals granted by the Zoning Board of Adjustment. We therefore have no objection to release of the Maintenance Guarantee posted for this development.

Should you have any questions, comments, or require additional information, please feel free to contact me in our Pleasantville office at (609) 645-7110 x1303 or via edward.dennis@rve.com.

Very truly yours,

REMINGTON, VERNICK & WALBERG ENGINEERS

Edward D. Dennis Jr., PE, PP, CME

Copy service:

Jessica Thompson, Administrator/CFO – City of Absecon (via email: jthompson@abseconnj.org)
Michael G. O'Hagan, Construction Official – City of Absecon (via email: mohagan@abseconnj.org)
Applicant and Professionals

CITY OF ABSECON

RESOLUTION 54-2021

**A RESOLUTION AUTHORIZING THE CITY CLERK TO
ISSUE BOAT RAMP PERMITS TO LOCAL MARINAS**

WHEREAS, Absecon Bay Sportsman Center, Up The Creek Marina and Absecon Marina are in need of Boat Ramp Permits for the Faunce Landing Road Boat Ramp to conduct commercial business, and

WHEREAS, the Mayor and City Council of the City of Absecon hereby authorize the City Clerk to issue one annual permit to Absecon Bay Sportsman Center, Up The Creek Marina and Absecon Marina at no charge to allow for their commercial use of the ramp.

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

1. The City Clerk is authorized to issue annual permits for the Faunce Landing Road Boat ramp to Absecon Bay Sportsman Center, Up The Creek Marina and Absecon Marina at no charge.
2. Permits are for Business use only and are non-transferable.

Dated: March 4, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4, 2021**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 55-2021

**A RESOLUTION AUTHORIZING 2021 SALARIES
FOR NON-UNION EMPLOYEES**

WHEREAS, the City of Absecon's Mayor and Council are responsible for establishing the salaries for employees not represented by a collective bargaining unit; and

WHEREAS, those salaries must fall within the salary ranges set forth by the most recent Salary Ordinance; and

WHEREAS, it has been determined that employees not represented by a collective bargaining unit will receive a salary increase of 2% for the year 2021 retroactive to January 1st of the year; and

WHEREAS, the job titles representing non-union employees covered by this resolution are as follows: City Clerk, Deputy Clerk, Tax Collector, Tax Assessor, Chief Financial Officer, Finance Specialist, Construction Official, Planning/Zoning Secretary, Sub-Code Officials, Code Enforcement, Fire Inspectors, Court Administrator, Public Works Supervisor, Communications Director, Recycling Coordinator/Zoning Assistant, Part-time Dispatchers, Crossing Guards, and Special Class II Officers; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that the Chief Financial Officer is hereby authorized to compensate the employees covered by this resolution, and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Dated: March 4, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4, 2021**

**Attest: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON
RESOLUTION 56-2021

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY
OF ABSECON AND THE GOVERNMENT WORKERS UNION**

WHEREAS, a Collective Bargaining Agreement by and between the City of Absecon and the Government Workers Union – White Collar Unit, has been negotiated; and

NOW THEREFORE BE IT RESOLVED, that the Mayor of the City of Absecon is hereby authorized to sign an agreement for the period January 1, 2021 through December 31, 2023 which embodies the agreed upon terms and conditions. The agreement has been fully executed by the Union.

Dated: March 4, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4, 2021**

Attest: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

RESOLUTION 57-2021

**A RESOLUTION AUTHORIZING TO INCREASE THE
DEFERED LOCAL SCHOOL TAXES**

WHEREAS, regulations provide for the deferral of not more than 50% of the annual levy when school taxes are raised for a school year and have not been requisitioned by the school district, and

WHEREAS, the Division of Local Government Services requires that a resolution be adopted by a majority of the governing body prior to the introduction of the annual budget of the year subsequent to the deferral, authorizing an increase in the amount of the deferral, and

WHEREAS, it is the desire of the City Council of the City of Absecon, County of Atlantic to increase the amount of the local school deferred taxes by \$800,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Absecon, that the amount of deferred local school taxes be increased from \$2,826,535.94 to \$3,626,535.94.

Dated: March 4th, 2021

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held March 4th, 2021**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 58-2021

A RESOLUTION AUTHORIZING SELF-EXAMINATION OF THE 2021 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the City of Absecon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the City of Absecon that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A: 4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the Municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

DATED: March 4th, 2021

This is to certify that this is a true copy of a Resolution adopted by the Council of the City of Absecon at a regular meeting held on March 4th, 2021.

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON
RESOLUTION 59-2021

**A RESOLUTION AUTHORIZING THE INTRODUCTION OF
THE 2021 MUNICIPAL BUDGET**

**Copies of the Budget are filed in the Clerk's Office,
Finance file drawer**

Dated: March 4th, 2021

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
regular meeting held March 4th, 2021**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

March 2, 2021
03:15 PM

City of Absecon
Bill List By Vendor Id

Page No: 1

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
9571 JENNIFER KELLY, PH.D., ABPP	21-00197	03/02/21	PROFESSIONAL SERVICES	Open	425.00	0.00		
A0007 NAT ALEXANDER CO.	20-01192	12/31/20	LEATHER FRONT PIECE	Open	61.40	0.00		
A0026 ABSECON EMERGENCY SERVICES	21-00172	02/25/21	1Q 2021 AMBULANCE SERVICES	Open	12,500.00	0.00		
A0034 ABSECON CITY PAYROLL ACCOUNT	21-00150	02/19/21	PAYROLL 02/18/21	Open	176,399.16	0.00		
A0253 ATLANTIC CITY ELECTRIC	21-00184	02/26/21	FEBRUARY 2021 BILLING	Open	23,534.61	0.00		
A0259 ACMJIF	21-00175	02/26/21	1Q 2021 ASSESSMENT	Open	36,432.00	0.00		
A0267 ABSECON URBAN RENEWAL, LLC	21-00152	02/19/21	CONSTRUCTION MGMT. SERVICES	Open	3,000.00	0.00		
A0269 ATLANTIC COAST ALARM, INC.	20-01044	11/17/20	FIRE CELLULAR COMMUNICATOR	Open	600.00	0.00		
	21-00101	02/04/21	FIRE ALARM MONITORING	Open	240.00	0.00		
					840.00			
A0277 RAYMOND ADAMS	21-00167	02/25/21	REIMBURSE FOR KEYS	Open	24.80	0.00		
B0119 BLANEY & KARAVAN, PC	21-00114	02/08/21	PROFESSIONAL SERVICES	Open	5,835.00	0.00		
B0144 BARRACUDA NETWORKS INC	21-00151	02/19/21	3 YEAR USER LICENSE	Open	1,656.00	0.00		
C0150 CONSTELLATION NEW ENERGY, INC.	21-00200	03/02/21	MONTHLY BILLING	Open	1,784.05	0.00		
C0159 C.A.M. CO	21-00191	03/02/21	SNOW PLOW SUPPLIES	Open	264.73	0.00		
C0180 CASA PAYROLL SERVICES	21-00100	02/04/21	PAYROLL SERVICES	Open	399.00	0.00		
C0201 COMCAST	21-00155	02/22/21	MONTHLY BILLING	Open	447.92	0.00		
C0226 CITY CONNECTIONS LLC	21-00159	02/23/21	WEBSITE SERVICES	Open	500.00	0.00		

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City of Absecon
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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
E0047 EQUATURE	20-01107	12/08/20	LEARNING ON DEMAND COURSES	Open	298.00	0.00		
E0070 ED & GENE'S KING TIRE LLC	21-00165	02/23/21	VEHICLE MAINTENANCE	Open	393.47	0.00		
F0038 JOHN FARINELLI ELECTRIC	21-00195	03/02/21	NEW LIGHTING POLICE DEPT.	Open	1,009.00	0.00		
F0058 FITZGERALD MCGROARTY, P.A.	21-00173	02/25/21	PROFESSIONAL SERVICES	Open	728.00	0.00		
F0093 KRISTOPHER J. FACENDA	21-00178	02/26/21	FEBRUARY 2021 PROSECUTOR	Open	1,800.00	0.00		
G0008 GALLS, LLC	21-00166	02/25/21	HOLSTER	Open	231.98	0.00		
G0061 GRIMLEY LAW	21-00185	03/01/21	PROFESSIONAL SERVICES	Open	555.00	0.00		
G0064 GRAINGER	21-00194	03/02/21	STORAGE CABINET FOR OFFICE	Open	833.97	0.00		
G0111 GUARDIAN TRACKING, LLC	21-00158	02/23/21	EMPLOYEE PERFORMANCE MGMNT	Open	2,180.00	0.00		
G0118 G.T.B.M.INC/INFO COP	21-00147	02/18/21	OCT/2020-DEC/2020 E-TICKET	Open	91.46	0.00		
H0083 HORIZON BLUE CROSS	21-00157	02/22/21	MARCH 2021 DENTAL INSURANCE	Open	4,086.85	0.00		
J0001 JAN-PRO CLEANING SYSTEMS	21-00180	02/26/21	MARCH 2021 SERVICES	Open	1,446.12	0.00		
M0122 WILLIAM H. MARSDEN	21-00153	02/19/21	ELECTRICAL SUBCODE	Open	240.00	0.00		
M0193 MASER CONSULTING P.A.	21-00174	02/25/21	PROFESSIONAL SERVICES	Open	1,713.80	0.00		
N0002 NJ AMERICAN WATER CO.	21-00164	02/23/21	FINAL BILL 401 NEW JERSEY AVE	Open	26.57	0.00		
N0003 STATE OF NJ HEALTH BENEFITS PR	21-00176	02/26/21	JANUARY 2021 HEALTH BENEFITS	Open	81,779.26	0.00		
N0091 NETWORK CONNECTIVITY, INC.	21-00162	02/23/21	FIREHOUSE HDMI CABLE	Open	849.80	0.00		
N0111 NORTHERN SAFETY CO INC	21-00193	03/02/21	GLOVES	Open	62.40	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
P0014 PEDRONI FUEL CO	21-00183	02/26/21	GASOLINE	Open	792.99	0.00		
P0015 PITNEY BOWES	21-00186	03/01/21	QUARTERLY LEASE PAYMENT	Open	509.91	0.00		
P0063 P.W.A.N.J.	21-00127	02/09/21	2021 MEMBERSHIP	Open	75.00	0.00		
P0083 PAC INDUSTRIES, INC.	20-00874	09/29/20	WASHER/EXTRACTOR & DRYER	Open	22,695.00	0.00		
P0114 PRO VIDEO ENGINEERING, INC.	21-00163	02/23/21	NEW DOOR KEYSAN SYSTEM	Open	1,920.00	0.00		
Q0004 QUILL CORPORATION	21-00139	02/16/21	OFFICE SUPPLIES	Open	1,011.85	0.00		
R0007 REMINGTON & VERNICK ENGINEERS	19-00876	09/09/19	CITY HALL RETAINING WALL	Open	1,900.00	0.00		B
	19-00877	09/09/19	PEDESTRIAN SAFETY PITNEY RD.	Open	30.00	0.00		B
	19-01124	11/13/19	FIREHOUSE CONSTRUCTION	Open	18,815.00	0.00		B
	20-00835	09/17/20	BAYVIEW DRIVE PHASE 2	Open	1,850.00	0.00		B
	20-00900	10/05/20	ABSECON CREEK DREDGING SURVEY	Open	22,500.00	0.00		B
	20-01142	12/15/20	2021 ROAD PROGRAM	Open	42,350.00	0.00		B
	21-00181	02/26/21	PROFESSIONAL SERVICES	Open	27,050.00	0.00		
	21-00201	03/02/21	NEW FIREHOUSE CLOSEOUT SERVICE	Open	12,060.00	0.00		B
					126,555.00			
R0079 V.E. RALPH	21-00154	02/22/21	MEDICAL SUPPLIES	Open	405.84	0.00		
	21-00196	03/02/21	MEDICAL SUPPLIES	Open	360.00	0.00		
					765.84			
S0003 STC WATER TREATMENT SERVICE	21-00192	03/02/21	FEBRUARY 2021 WATER TREATMENT	Open	104.00	0.00		
S0019 SOUTH JERSEY GAS CO.	21-00187	03/01/21	MONTHLY BILLING	Open	3,555.79	0.00		
S0158 SITE ONE LANDSCAPE SUPPLY, LLC	21-00146	02/18/21	SUPPLIES	Open	232.29	0.00		
S0168 MARK H. STEIN, ESQ.	21-00179	02/26/21	FEBRUARY 2021 PUBLIC DEFENDER	Open	600.00	0.00		
S0189 STATE TOXICOLOGY LABORATORY	21-00170	02/25/21	RANDOM TESTING	Open	135.00	0.00		
T0044 TREASURER	21-00160	02/23/21	JANUARY 2021 DOG REPORT	Open	48.60	0.00		

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Vendor # Name		PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PO #								
T0044	TREASURER		Continued					
21-00177	02/26/21	TIDELANDS LICENSE BOAT RAMP	Open	<u>100.00</u>	0.00			
					148.60			
T0096	TOSHIBA FINANCIAL SERVICES							
21-00156	02/22/21	COPIER LEASE	Open	337.00	0.00			
T0106	TACTICAL PUBLIC SAFETY, LLC							
20-00242	03/12/20	ZETRON SECURITY FIRMWARE	Open	6,480.00	0.00			
U0018	ULINE							
20-01191	12/31/20	STORAGE RACKS & SUPPLIES	Open	2,150.89	0.00			
V0001	VITAL COMMUNICATIONS INC							
21-00189	03/02/21	CAMA & TAX ASSESSMENT SYSTEM	Open	315.00	0.00			
V0012	VISION SERVICE PLAN (EA)							
21-00171	02/25/21	MARCH 2021 VISION PLAN	Open	240.08	0.00			
V0022	VERIZON							
21-00182	02/26/21	MONTHLY BILLING	Open	148.56	0.00			
V0026	VERIZON WIRELESS							
21-00148	02/18/21	MONTHLY BILLING	Open	1,187.31	0.00			
W0003	WESTERN PEST SERVICES							
21-00132	02/12/21	YEARLY PEST CONTROL SERVICES	Open	1,661.76	0.00			
W0037	MATTHEW WOOD							
21-00161	02/23/21	SUPPLIES	Open	35.06	0.00			
W0044	WASZEN BROTHERS							
21-00190	03/02/21	PORTA POTTY & BYPASS STATION	Open	745.00	0.00			
Total Purchase Orders:		68	Total P.O. Line Items:	0	Total List Amount:	534,831.28	Total Void Amount:	0.00