

CITY OF SALEM
COMMON COUNCIL REGULAR MEETING MINUTES
APRIL 19, 2021
6:30 PM

OPENING 6:30 PM

PLEDGE OF ALLEGIANCE: Council President Earl Gage

INVOCATION: Mr. Eric Sharp

STATEMENT OF ADVERTISEMENT:

Notice of this meeting has been provided to the South Jersey Times and the Elmer Times and is posted on the City Hall Bulletin Board stating the time and the place of the meeting. Notice has also been posted that the meeting can be accessed through Zoom.

ROLL CALL:

Present: Cline, Davis, Groce, Kellum, Slaughter, Smith Gage

Absent: Gregory

Also Present: Mayor Washington, Solicitor Rhea, CFO Nunez, Commerce Director Bailey and Admin/Clerk Angeli

PUBLIC PORTION FOR AGENDA ITEMS ONLY:

Motion to open: Groce and Second: Smith

All Council Members present voted in favor in a voice vote.

No comments or questions were offered.

Motion to close the public portion on agenda items: Groce and Second: Smith

All Council Members present voted in favor in a voice vote.

COMMUNICATIONS/APPLICATIONS/REPORTS:

Approval of Entertainment License from Stand Up for Salem-Salem Main Street Promotions including Movie nights, oldies in the park and concerts in the park from May through October.

Motion to approve: Groce and Second: Kellum

All Council Members present voted in favor in a voice vote.

Approval of Entertainment License for Stand Up for Salem Promotions Committee for 9/26/2021 for Cow Run (7AM to 1PM), Sept/Oct date to be determined for Block Party (4PM to 8PM) and for 12/4/2021 for Christmas Parade (8AM to 1PM)

Motion to approve: Groce and Second: Kellum

All Council Members present voted in favor in a voice vote.

Approval of a road closure permit for Stand Up for Salem for 9/26/2021 for Cow Run (7AM to 1PM), Sept/Oct date to be determined for Block Party (4PM to 8PM) and for 12/4/2021 for Christmas Parade (8AM to 1PM).

Motion to approve: Groce and Second: Kellum

All Council Members present voted in favor in a voice vote.

SALEM COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE OF
REFINANCING AND RESTRUCTURING THE AUTHORITY'S ORIGINAL
BONDS FOR THE FINLAW BUILDING PROJECT

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-105 A RESOLUTION APPROVING AGREEMENT BETWEEN THE
CITY OF SALEM AND TRI-COUNTY FOR SENTRICON TERMITE
ELIMINATION SERVICE

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-106 A RESOLUTION APPROVING PROPOSAL FROM A.C. SHULTES FOR
EMERGENCY REPAIRS AT WELL #2

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-107 A RESOLUTION AMENDING RESOLUTION 2021-93 AUTHORIZING THE
HIRING OF IVAN PORTER AS A LABORER FOR THE CITY OF SALEM
PUBLIC WORKS DEPARTMENT

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-108 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
DEMOLITION OF REAL PROPERTY KNOWN AS JACK'S MEN'S STORE

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-109 A RESOLUTION AUTHORIZING CHANGING THE OFFICIAL
SIGNERS FOR VARIOUS CITY OF SALEM BANK ACCOUNTS

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-110 A RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO
RESCHEDULE THE TAX LIEN SALE TO JUNE 23, 2021

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-111 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM
DEED REGARDING REAL PROPERTY DESIGNATED AS BLOCK 62, LOT 24
AND COMMONLY KNOWN AS 22 - 24 WALNUT ST., SALEM

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-112 A RESOLUTION EXTENDING CERTAIN COVID-19 RELATED LEAVE
BENEFITS PERMITTED BY THE AMERICAN RESCUE PLAN OF 2021

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-113 A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY
OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12 These items are for
(8) *Matters relating to the employment relationship*

Motion to Introduce: Groce Second: Kellum All Council Members present voted in favor in a voice vote.

COMMITTEE REPORTS:

ADMINISTRATION (Gage, Gregory, Kellum, Smith)

Council President Gage spoke about the process involved in the Finlaw Building refinancing.

Mr. Angeli stated the following: The public is instructed that this portion of the meeting is provided for comments and questions on any matter. Please state your name and address, street name only for the record.

Mr. Sharp spoke about the Wednesday Night prayer group and that they would be working to clean up Olive Street. Ms. Slaughter said that she would supply him with bags. Mr. Sharp spoke about the trash stickers. Mr. Bailey stated that the people from DEP that came to town to help with the illegal dumping problem suggested getting rid of the stickers.

Motion to close the public portion on agenda items: Gregory and Second: Kellum All Council Members present voted in favor in a voice vote.

EXECUTIVE SESSION:

Motion to go into executive session: Groce and Second: Kellum
All Council Members present voted in favor in a voice vote.

Mr. Angeli stated that Executive Session would last about one hour and that no action can be taken in a closed session. He said that action can be taken after the executive Session.

The Governing Body, City Solicitor, CFO and City Admin/Clerk moved into a closed session.

Motion to leave executive session: Groce and Second: Kellum
All Council Members present voted in favor in a voice vote.

Mr. Angeli stated that no action was taken in Executive Session and that all members that entered the session are still present.

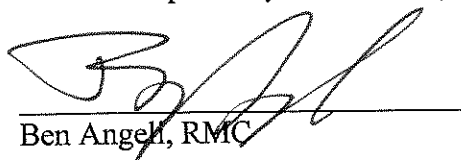
ADJOURNMENT:

Motion: Groce and Second: Kellum
All Council Members present voted in favor in a voice vote.

NEXT COUNCIL MEETING:

THE COMMON COUNCIL CAUCUS MEETING ON MAY 10, 2021 AT 6:30 PM

Minutes respectfully submitted by:


Ben Angeli, RMC

Mayor & Governing Body:

I would like to commend the Mayor, Council, Administrative Staff and your appointed professionals for the tremendous amount of effort and work it took to get us to this place with the FinLaw Bldg. In my first meeting in 2015 with Mayor Washington he said "*Ed, I don't want a short-term solution, I want a long-term solution to the FinLaw building.*" He explained to me the State leases all expire in 2028 and the debt service spiked that same year by \$800,000. The Mayor went on to correctly assess the City could not survive financially without both extended State leases and flattening out the debt spike. Ever since then, we (State and City) have worked together to try and find a resolution to this seemingly insurmountable problem. Despite many dead ends, hurdles and other obstacles, tonight we are finally at a place where you get to cast the vote that will effectively do all the following:

- 1) Extend all State Leases from 2028 until 2048 (providing the City with 20 more years of guaranteed revenue to pay the debt service payments)
- 2) Accept an "extra" \$2.5M in State Aid that will be used as down payment money for the bond refinancing.
- 3) Save the City over \$5M in interest by refinancing less debt at a lower interest rate
- 4) Eliminate the dreaded \$800,000 spike in 2028
- 5) Create a financial scenario with FinLaw whereby the State Lease payments coming in until 2048 will cover the costs of the FinLaw debt service payments until maturity.

I highly encourage and recommend you adopt all the appropriate ordinances and resolutions recommended by Solicitor Rhea and Bond Counsel Beinfield without delay.

Again, this is not a panacea to solve all of Salem's problems, but it was one of the top 5 priorities I listed for the City several years ago:

- 1) Resolve the looming FinLaw debt crisis
- 2) Improve the property tax collection percentage
- 3) Address a nearly half million dollar deficit in the Water & Sewer Utility (as well as needed infrastructure improvements)
- 4) Re-develop the Ardaugh Glass site, landfill area and port area
- 5) Address the public safety (crime) problem in the City

The City has made great strides in many of the 5 areas listed above and we will continue to improve on each. I realize there are a voluminous number of smaller issues that you as Elected Officials get deluged with and they are important quality of life issues. However, if the big five (5) listed above don't get resolved, the little things won't matter.

On behalf of myself and Director Suarez, we commend Salem for their strategic thinking and their willingness to move forward and address these challenging issues.

Edward Sasdelli

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**CITY OF SALEM
ORDINANCE 2103**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 130-137
ENTITLED "DRAINAGE" OF THE CODE OF THE CITY OF SALEM**

WHEREAS, the Mayor and City Council of City of Salem have determined that certain amendments to Chapter 130-137 entitled "Drainage" are necessary; and

WHEREAS, in conformance with the N.J.A.C. 8.2 Stormwater Management amended March 2, 2020 which requires certain municipalities including the City of Salem to amend their Stormwater Control Ordinances within one year to be in compliance with these amended State stormwater management rules;

WHEREAS, the amendments will include controls to regulate the negative effects of all types of construction and development in the City which also affect neighboring municipalities with regard to stormwater quality and quantity controls including negative stormwater impacts offsite;

WHEREAS, the amendments will help to control the maintenance and negative stormwater runoff impacts within the City of Salem including surface and underground storm drainage systems, roadways, culverts, stormwater basins, and other infrastructure owned and maintained by the City of Salem Department of Public Works; and

WHEREAS, in all other respects Chapter 130-137 entitled "Drainage" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Salem, County of Salem, and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section I. 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 below in Section II.

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 **City of Salem**

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.

Section II. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

~~NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition~~

~~at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.~~

~~"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.~~

~~Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."~~

~~Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.~~

"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" means any city, borough, town, township, or village.

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

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

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

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical

wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"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.

Section III. 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.

Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

Section IV. 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 Section X.
- 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 Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the 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	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- 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 Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper 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 Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; 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 Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Salem County Clerk's Office ~~{insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality}~~. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to 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 ~~(insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies)~~ Salem 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 M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

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

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

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

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, 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 4 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 Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. 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 Section V, 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.

Section V. 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 Section V.A.1.i and the Rational and Modified Rational Methods at Section V.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.

Section VI. 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.

Section VII. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

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

- 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 A.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.

Section VIII. 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 Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - 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;

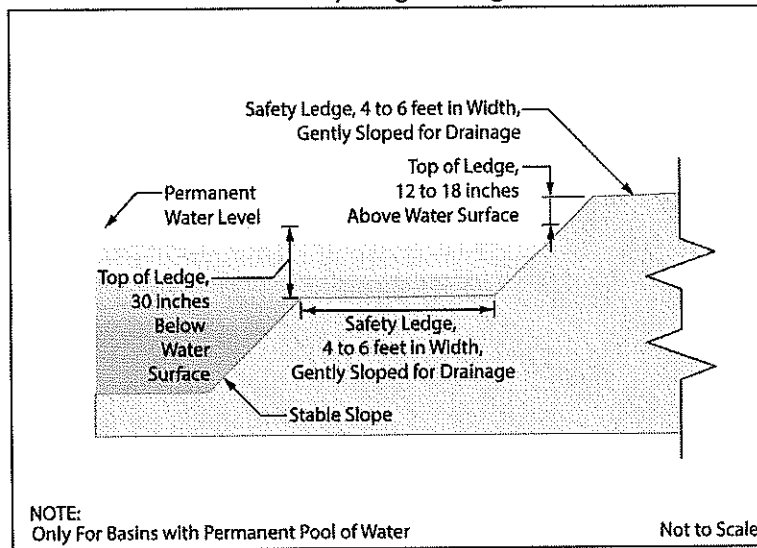
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion 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 VIII.C, 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 VIII.E 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 municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. 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 Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

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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 Section IV 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 Section X.

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 Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section X. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the 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 Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.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 Section X.B.6 and B.7 above.
- 8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

~~Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:~~

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

- 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

Section XI. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties as determined by the City Attorney:

Section XII. 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.

Section XIII. Effective Date:

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

BE IT FURTHER ORDAINED THAT a copy of this Ordinance shall be transmitted to the Planning Board for the Board's review and comment in accordance with the New Jersey Land Use law governing the same after which a public hearing on the Ordinance shall be held on April 19, 2021.

ATTEST:**CITY OF SALEM**

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline			X			
R. Davis			X			
T. Gregory	X		X			
V. Groce						X
S. Kellum		X				
G. Slaughter			X			
J. Smith			X			
E. Gage			X			

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Common Council of the City of Salem on February 15, 2021. Public Hearing shall take place on April 19, 2021.

Date

Ben Angeli, RMC

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

Date

Charles Washington Jr, Mayor

I, Ben Angeli, Municipal Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy as amended of Ordinance 2103, adopted by the Common Council of the City of Salem after a second reading and public hearing on April 19, 2021.

Date

Ben Angeli, RMC

**CITY OF SALEM
ORDINANCE NO. 2104**

**GUARANTY ORDINANCE OF THE CITY OF SALEM, IN
THE COUNTY OF SALEM, NEW JERSEY,
UNCONDITIONALLY AND IRREVOCABLY SECURING
THE PAYMENT OF THE PRINCIPAL OF AND INTEREST
ON NOT IN EXCESS OF \$17,000,000 REFUNDING BONDS
OF THE SALEM COUNTY IMPROVEMENT AUTHORITY
FOR THE PURPOSE OF PROVIDING ADDITIONAL
SECURITY IN CONNECTION WITH THE REFINANCING
OF THE AUTHORITY'S FINLAW BUILDING PROJECT
AND DETERMINING AND AUTHORIZING CERTAIN
OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, The Salem County Improvement Authority (the "Authority") has been duly created by the Board of Chosen Freeholders (the "Board") of the County of Salem, New Jersey (the "County"), as a public body corporate and politic of the State of New Jersey (the "State") pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State (N.J.S.A. §40:37A-45 et seq.), and the acts amendatory thereof and supplemental thereto (the "Act");

WHEREAS, the purposes of the Authority under the Act include, among other things, (a) the provision within the County of public facilities for use by the State, the County or any municipality in the County, or any two or more or any subdivisions, departments, agencies or instrumentalities of any of the foregoing for any of their respective governmental purposes and (b) the provision within the County of a public facility for a combination of governmental and nongovernmental uses, provided that not more than 50% of the usable space in any such facility shall be made available for nongovernmental use under a lease or other agreement by or with the Authority;

WHEREAS, for the effectuation of its purposes, the Act authorizes the Authority, among other things, (a) to make loans to any governmental unit or person for the planning, design, acquisition, construction, equipping and furnishing of a public facility and (b) to borrow money and issue negotiable bonds or notes or other obligations; and

WHEREAS, for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction, financing or operation of any facility which the Authority is authorized to undertake, the Act authorizes any municipality in the County to unconditionally guaranty the punctual payment of the principal of and interest on any bonds of the Authority; and

WHEREAS, the Authority issued its \$19,500,000 City Guaranteed Revenue Bonds (Finlaw State Office Building Project), Series 2007, on July 19, 2007 (the "Prior Bonds") for the purpose of making a loan in connection with the financing of the reconstruction of the Finlaw Building and the construction of parking facilities adjacent thereto (the "Project"), all

located on East Broadway and Walnut Street in the City of Salem, New Jersey (the "City"), a municipality situate in the County; and

WHEREAS, pursuant to a guaranty ordinance previously adopted by the City, the City unconditionally and irrevocably guaranteed the principal of (including sinking fund installments, if any) and interest on the Prior Bonds; and

WHEREAS, pursuant to the provisions of the Act, the Authority is authorized to refund bonds of the Authority previously issued pursuant to the Act; and

WHEREAS, the Prior Bonds are currently outstanding in the aggregate principal amount of \$18,100,000 (the "Refunded Prior Bonds"); and

WHEREAS, the Authority intends on issuing its negotiable bonds in an aggregate principal amount not in excess of \$17,000,000 for purposes of refunding the Refunded Prior Bonds and restructuring the debt service thereon (the "Refunding Bonds" and, together with any bonds issued to refund the Refunding Bonds, the "Bonds"); and

WHEREAS, the Project constituted and will continue to constitute a "public facility" as defined in the Act and will be used in a manner and for purposes permitted by the Act; and

WHEREAS, the Bonds will be secured by, among other things, revenues derived from certain leases relating to the Project; and

WHEREAS, the City is desirous of unconditionally and irrevocably guaranteeing the principal of (including sinking fund installments, if any) and interest on all or a portion of the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SALEM, IN THE COUNTY OF SALEM, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Manner of Adoption. This guaranty ordinance shall be adopted by the governing body of the City in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State (N.J.S.A. §40A:2-1 et seq.), and the acts amendatory thereof and supplemental thereto (the "Local Bond Law").

Section 2. Guaranty Authorization and Amount. Pursuant to and in accordance with the terms of the Act, specifically Section 37 thereof (N.J.S.A. §40:37A-80), the City is hereby authorized to and hereby shall fully, unconditionally and irrevocably guaranty the punctual payment of the principal of (including sinking fund installments, if any) and interest on the Bonds in an aggregate principal amount not exceeding \$17,000,000, which Bonds are to be issued to refinance the Project and the Refunded Prior Bonds, on such terms and conditions as may be agreed to by and between the City and the Authority and as are reflected in this guaranty ordinance and in the guaranty certificate on the face of each Bond. Upon the endorsement of the Bonds referred to in Section 3 below, the City shall be fully, unconditionally and irrevocably obligated to pay the principal of (including sinking fund installments, if any) and interest on the

Bonds in the same manner and to the same extent as the case of bonds issued by the City and, accordingly, the City shall be unconditionally and irrevocably obligated to levy ad valorem taxes upon all the taxable property within the City for the payment thereof, without limitation as to rate or amount, when required under the provisions of applicable law. This full, unconditional and irrevocable guaranty of the City effected hereby to pay the principal of (including sinking fund installments, if any) and interest on the Bonds when due in accordance with the terms hereof shall not be abrogated for any reason. Any Bonds which are no longer considered outstanding under the Authority's bond resolution shall not be counted for the purpose of the \$17,000,000 limitation contained in this guaranty ordinance.

Section 3. Guaranty Certificate. The mayor of the City (the "Mayor") shall, by manual or facsimile signature, execute an endorsement on each of the Bonds evidencing this guaranty by the City as to the punctual payment of the principal of (including sinking fund installments, if any) and interest thereon. The endorsement on each Bond shall be in substantially the following form, and absent the fully executed endorsement in such form on any such Bond, such Bond shall not be entitled to the benefits of this guaranty ordinance:

"GUARANTY OF THE CITY OF SALEM, NEW JERSEY"

The payment of the principal of (including sinking fund installments, if any) and interest on the within Bond shall be fully, irrevocably and unconditionally guaranteed by the City of Salem, New Jersey (the "City") for as long as such Bond is outstanding, under the bond resolution of The Salem County Improvement Authority and the City is unconditionally and irrevocably liable for the payment, when due, of the principal of (including sinking fund installments, if any) and interest on this Bond.

IN WITNESS WHEREOF, the City has caused this Guaranty to be executed by the manual or facsimile signature of its Mayor.

CITY OF SALEM, NEW JERSEY

By: _____
Name: Charles Washington, Jr.
Title: Mayor"

Section 4. Guaranty Agreement. The Mayor and the chief financial officer, the acting chief financial officer or the treasurer of the City (the "Chief Financial Officer") are each hereby authorized to enter into, execute and deliver in the name of the City and on its behalf, a guaranty agreement or similar instrument (the "Guaranty Agreement") setting forth such matters with respect to the guaranty authorized by this guaranty ordinance as the City or the Chief Financial Officer (after consultation with counsel to the City) deems appropriate, and the City clerk, the acting City clerk or the deputy City clerk (the "City Clerk") are each hereby authorized, if necessary, to attest to the signature of the Mayor or the Chief Financial Officer and to affix the seal of the City to the Guaranty Agreement.

Section 5. Gross and Net Debt Determinations. It is hereby found, determined and declared by the governing body of the City that:

(a) This guaranty ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of the Bonds that shall be entitled to the benefits of this guaranty ordinance, being an amount not to exceed \$17,000,000, shall after their issuance, be included in the gross debt of the City for the purpose of determining the indebtedness of the City under or pursuant to the Local Bond Law.

(b) The principal amount of the Bonds entitled to the benefits of this guaranty ordinance and included in the gross debt of the City shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of the Local Bond Law (i) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the completion of acquisition, construction, installation or renovation of the Project and (ii) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of (including sinking fund installments, if any) and interest on all such guaranteed Bonds, all bonds of the City issued as provided in Section 36 of the Act (N.J.S.A. §40:37A-79) and all bonds of the Authority issued under the Act.

Section 6. Other Statutory Determinations. The following matters are hereby determined, declared, recited and stated:

(a) The maximum principal amount of Bonds of the Authority which are hereby and hereunder guaranteed as to the punctual payment of the principal thereof (including sinking fund installments, if any) and interest thereon is and the maximum estimated cost of refinancing the Project and the Refunded Prior Bonds in accordance with the transaction contemplated hereby is \$17,000,000.

(b) The purpose described in this guaranty ordinance is not a current expense of the City and no part of the cost thereof has been or shall be assessed on property specially benefitted thereby.

(c) A supplemental debt statement of the City has been duly made and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State, and such debt statement shows that (i) the gross debt of the City as defined in the Local Bond Law is reduced by the principal amount of the Refunded Prior Bonds that are guaranteed by the City and that are to be paid, funded or refunded by the Bonds (i.e. \$18,100,000), (ii) the gross debt of the City is increased by the principal amount of Bonds authorized to be guaranteed by this guaranty ordinance (i.e., \$17,000,000) in accordance with the provisions of the Act and (iii) the net debt of the City is not increased, and the obligation of the City authorized by or incurred pursuant to the terms of this guaranty ordinance is permitted by an exemption to the debt limitations of the Local Bond Law, which exception is contained in the Act.

(d) All other items to be contained in a bond ordinance adopted pursuant to the Local Bond Law are hereby determined to be inapplicable to the City's guaranty of the Bonds hereby.

Section 7. Authorized Officials and Actions. The Mayor, the Chief Financial Officer, the City Administrator and the City Clerk (collectively, the "Authorized Officials") are hereby further authorized to execute such other certificates or agreements relating to this guaranty ordinance that may be required by the Authority to comply with the terms of the financing documents relating to the Bonds, including, without limitation, (i) any agreements or certificates detailing the time and method that payment under this guaranty ordinance shall be made by the City, (ii) any letters of representations or similar undertakings to be executed in connection with the sale of the Bonds, setting forth certain representations, warranties and covenants of the City as an inducement to the purchaser of the Bonds, (iii) any certificates deeming "final" (for the purposes of Rule 15c2-12 of the United States Securities and Exchange Commission) or any portions of any preliminary or final Official Statements of the Authority relating to the Bonds and (iv) any continuing disclosure agreement or other instrument undertaking the secondary market disclosure obligations of the City required by said Rule 15c2-12. Such further agreements, instruments or certificates shall not abrogate the City's responsibilities hereunder.

Section 8. Further Authorized Actions. The Authorized Officials are hereby further authorized to (i) manually execute and deliver and the City Clerk is hereby further authorized to attest to such execution and to affix, imprint, engrave or reproduce the corporate seal of the City to any agreement (including any agreement providing for the replenishment by the City of the bond reserve fund relating to the Bonds or for the payment by the City of any shortfall of revenues necessary to pay debt service on the Bonds or any other funds as may be necessary or desirable in connection with the operation, maintenance and improvement of the Project facilities), document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials, in their respective sole discretion, after consultation with counsel to the City, to be executed in connection with the execution and delivery of the guaranty authorized by this guaranty ordinance and the consummation of the transactions contemplated hereby, which determination shall be conclusively evidenced by the execution of each such agreement, document, instrument or closing certificate by the party authorized under this guaranty ordinance to execute such agreement, document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, useful, desirable or convenient in relation to the execution and delivery thereof.

Section 9. Consent to Redeem Refunded Prior Bonds. The City hereby consents to and approves the optional redemption prior to maturity of the outstanding Refunded Prior Bonds for purposes of Section 4.01(a) of the Indenture of Trust relating to the Refunded Prior Bonds. The Authorized Officials are hereby authorized to execute such documents and to perform such acts as may be necessary, useful, desirable or convenient in connection with the optional redemption of the Refunded Prior Bonds including, without limitation, the transfer of funds currently held by the City for the payment of the Refunded Prior Bonds to the trustee escrow agent for the Refunded Prior Bonds for use in connection with the redemption of Refunded Prior Bonds and the issuance of the Bonds.

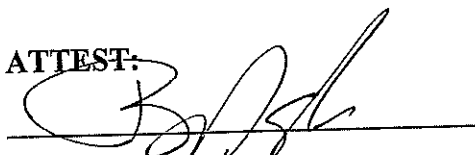
Section 10. Severability. The provisions of this guaranty ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this

ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 11. Capitalized Terms. All capitalized words and terms used but not defined in this guaranty ordinance shall have the meanings ascribed to such words and terms, respectively, in the preambles hereto.

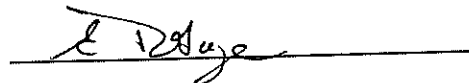
Section 12. Effective Date. This guaranty ordinance shall take effect at the time and in the manner provided by law.

ATTEST:



Ben Angeli, RMC

CITY OF SALEM



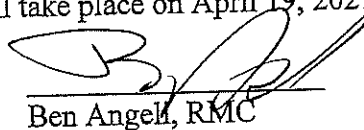
Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline			X			
R. Davis			X			
T. Gregory	X		X			
V. Groce			X			
S. Kellum		X	X			
G. Slaughter			X			
J. Smith			X			
E. Gage			X			

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Common Council of the City of Salem on March 29, 2021. Public Hearing shall take place on April 19, 2021.

3 - 29 - 2021

Date



Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2021-103**

**A Resolution requesting that the Salem County Board of Commissioners,
the Salem County Board of Elections and the Salem County Sheriff's Department
undertake a study and enter into a discussion with Salem County Municipal Clerks in
order to determine a safer and less burdensome election night procedure**

WHEREAS, the City Clerk has notified the Common Council of the City of Salem of the burdensome task of transporting vital Election materials to the Salem County Board of Elections on Election Night; and

WHEREAS, with the implementation of new voting machines and new voting procedures throughout the State the amount of items to be transported has increased significantly and become more cumbersome; and
WHEREAS, the integrity of election results is of paramount importance, and

WHEREAS, elections throughout the United States have become more controversial therefore making safety a valid and significant concern; and

WHEREAS, the existing procedures in Salem County for the transportation of election results and equipment to the County Board of Elections at the close of the polls on election night rests solely with the Salem County Municipal Clerks, many of whom are unescorted and unassisted on election night, and

WHEREAS, numerous discussions have been held amongst Salem County Municipal Clerk's over the safety and manpower concerns during election night.

WHEREAS, after polling the members of the New Jersey Clerk's Association the following information was compiled:

1. The following Counties use County Sheriff's Officers or Police Officers to pick up and transport ballot information to the County Board of Elections: Cumberland, Hudson, Monmouth, Passaic and Cape May.
2. The following Counties use Board or Election Representatives or Couriers: Bergen, Burlington, Morris, Ocean, Sussex and Union.
3. The following Counties have Poll Workers for each voting district: Atlantic, Camden and Warren.

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Common Council of the City of Salem that they hereby memorialize their concerns as set forth in the preamble of this Resolution and they request that the County of Salem undertake a study and enter into a discussion with Salem County Municipal Clerks in order to determine a safer and less burdensome Election Night Procedure.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021

Date

Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2021-104**

**RESOLUTION OF THE CITY OF SALEM, IN THE COUNTY OF
SALEM, NEW JERSEY, APPROVING THE ISSUANCE AND
DELIVERY OF NOT IN EXCESS OF \$17,000,000 ADDITIONAL AND
REFUNDING BONDS OF THE SALEM COUNTY IMPROVEMENT
AUTHORITY FOR THE PURPOSE OF REFINANCING AND
RESTRUCTURING THE AUTHORITY'S ORIGINAL BONDS FOR
THE FINLAW BUILDING PROJECT.**

WHEREAS, The Salem County Improvement Authority (the "Authority") has been duly created by the Board of Commissioners of the County of Salem, New Jersey, as a public body corporate and politic of the State of New Jersey (the "State") pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State (N.J.S.A. §40:37A-45 et seq.), and the acts amendatory thereof and supplemental thereto;

WHEREAS, the Authority previously issued its \$19,500,000 City Guaranteed Revenue Bonds (Finlaw State Office Building Project), Series 2007, on July 19, 2007 (the "Prior Bonds") for the purpose of making a loan in connection with the financing of the reconstruction of the Finlaw Building and the construction of parking facilities adjacent thereto (the "Project"), all located on East Broadway and Walnut Street in the City of Salem, New Jersey (the "City"); and

WHEREAS, pursuant to a guaranty ordinance previously adopted by the City, the City unconditionally and irrevocably guaranteed the principal of (including sinking fund installments, if any) and interest on the Prior Bonds; and

WHEREAS, the Prior Bonds are currently outstanding in the aggregate principal amount of \$18,100,000; and

WHEREAS, the Authority intends on issuing its negotiable bonds in an aggregate principal amount not in excess of \$17,000,000 (the "Refunding Bonds") for purposes of, together with other available funds, refunding the outstanding Prior Bonds and restructuring the debt service thereon; and

WHEREAS, the Refunding Bonds will be secured by, among other things, revenues derived from certain leases relating to the Project and a full faith and credit guaranty of the City; and

WHEREAS, the Prior Bonds were issued by the Authority under an Indenture of Trust, dated as of July 1, 2007 (the "Indenture"), by and between the Authority and Fulton Financial Advisors, N.A., as trustee thereunder (the "Trustee"); and

WHEREAS, the Refunding Bonds will be issued under the Indenture as "Additional Bonds", as such term is used and defined in the Indenture; and

WHEREAS, Section 2.03(2) of the Indenture requires that prior to the issuance of any Additional Bonds the Trustee shall receive, among other things, a certified copy of a resolution of the Common Council of the City approving the issuance and delivery of such Additional Bonds; and

WHEREAS, the Common Council of the City is desirous of approving the issuance and delivery of the Refunding Bonds for purposes of satisfying the requirement set forth in Section 2.03(2) of the Indenture;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SALEM, IN THE COUNTY OF SALEM, NEW JERSEY, AS FOLLOWS:

Section 1. Consent to Issuance of Refunding Bonds. The Common Council of the City, as the governing body of the City, hereby approves the issuance and delivery of the Refunding Bonds for purposes and within the meaning of Section 2.03(2) of the Indenture.

Section 2. Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles hereto.

Section 3. Effective Date. This resolution shall take effect immediately.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021

Date

Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2021-105**

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE
CITY OF SALEM AND TRI-COUNTY FOR SENTRICON TERMITE
ELIMINATION SERVICE**

WHEREAS, the City of Salem has contracted in the past with Tri-County of Carney's Point, NJ; and

WHEREAS, the City has used the Tri-County Sentricon Colony Elimination System at the Salem Public Library; and

WHEREAS, the City desires to continue to use the Tri-County Sentricon Colony Elimination System at the Salem Public Library; and

WHEREAS, the CFO has determined that this is a necessary service and that the funds are available.

NOW THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey, that it consents to the execution of an agreement with Tri-County of Carney's Point, NJ; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the agreement with Tri-County of Carney's Point, NJ.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021

Date

Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2021-106**

**A RESOLUTION APPROVING PROPOSAL FROM A.C. SHULTES FOR
EMERGENCY REPAIRS AT WELL #2**

WHEREAS, the City of Salem has contracted in the past with A.C Schultes of Woodbury , NJ;
and

WHEREAS, the City owned Well #2 in the City Water Supply System is in need of an
emergency repair; and

WHEREAS, A.C. Schultes has provided a proposal to the City in the amount of \$44,316.00
Attachment "A" to repair the motor and provide other repairs as necessary to make Well #2 fully operational;
and

WHEREAS, the City desires to accept the proposal from A.C. Schultes for the repair work on
Well #2; and

WHEREAS, the CFO has determined that this is a necessary repair and that the funds are
available.

NOW THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of
Salem, County of Salem and State of New Jersey, that it accepts the proposal from A.C. Schultes and authorizes
A.C. Schultes to do the emergency repair work on Well #2 according to the submitted proposal.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

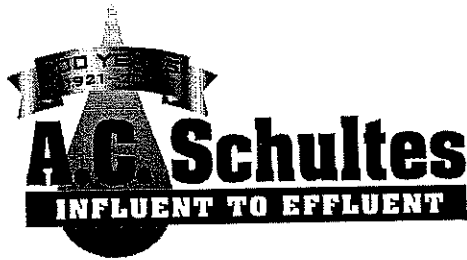
Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a
true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19,
2021

Date

Ben Angeli, RMC



664 S. Evergreen Ave.
Woodbury Heights, NJ 08097
24 Hour Service
(856) 845-5656 Office
gusiv@acschultes.com
www.acschultes.com

April 5, 2021

City of Salem
17 New Market Street
Salem, NJ 08079

Attention: Jake Buechler
Phone: 443-978-0989

Reference: Well #2 – Emergency Pump Replacement
ACS Job # P29977

Dear Sir:

A.C. Schultes, Inc. recently mobilized to the above referenced jobsite and inspected the existing well pump. Upon inspection, the headshaft was found to be broken. A.C. Schultes then mobilized a crew to pull the remainder of the pump from the well. After removal, it was also found that lineshafts were broken in an additional (2) more locations in the column assembly. The column pipe itself was also found to be washed out, and we therefore recommend the replacement of the entire pump and column assembly including the following repairs/replcaements to return the unit to proper operation:

Motor:

The 20 HP Motor requires standard maintenance as well as a replacement dome lid. This includes the following:

- Disassembly
- Inspection of all of bearing clearances
- Inspection of shaft run-out
- Wash – dry stator
- Inspect windings and insulation integrity
- Re-insulate stator
- Balance rotor to ISO G 2.5 tolerances
- Clean all parts and install new bearings
- Replace motor dome/lid
- Install new clutch
- Assemble, test run, record vibrations, paint

Discharge Head/Stuffing Box/Headshaft:

The discharge head was in fair condition and can be reused after being refurbished including sandblasting and painting. The 1" headshaft and adjustment nut were broken and both require replacement. The stuffing box is to be reworked and reused with a new bearing and packing.

Column Assembly:

The 6"x 1" column assembly was in poor condition and should be replaced with new. This includes new column pipe, stainless steel lineshafting, and bronze bearing brackets with rubber bearings.

Bowl Assembly:

The existing IDP 10L22-5 bowl assembly should be replaced with new. The in-kind replacement unit is a Flowserve 10ELL-5 which is capable of 275 GPM @ 250' TDH. As previously indicated, these existing conditions of service can overload the existing 20 HP if the pump is run out on its curve. The pump should therefore continue to be operated at 200 GPM to avoid overloading the motor.

After removal, a TV inspection of the well was also performed with the following results:

<u>Depth</u>	<u>Description</u>
0' – ?':	18" steel surface casing
1' – ?':	12" outer steel casing
1' – >118':	10" inner steel casing
5':	Static water level
118' – 135':	10" stainless steel Louver Screen
135':	Depth of Material Encountered
147':	Depth of Well (According to Records)

From the inspection combined with the historical data, this well would benefit from cleaning via jetting and swabbing as the louvers appear clogged, there is approximately 12' of material in the bottom of the well, and the specific capacity has dropped off from ~4-5 to ~2-3. If well cleaning is unable to be performed at this time due to the urgency to get this well back in operation, we recommend this to be performed in the near future after peak pumping season.

Below, I have outlined the costs associated with this project:

Pump Removal and Inspection	\$3,500.00
Motor, Pump and Column Repairs and Re-Installation:.....	\$28,816.00
Total Project Cost:	\$32,316.00
Redevelopment (Estimated (5) Days):.....	\$12,000.00

Once given approval, we will proceed with the repairs and reinstall the pump as soon as possible. If you have any other questions regarding this project, please feel free to contact this office.

Sincerely,

A.C. SCHULTES, INC.

Michael Schultes

Michael Schultes, Esq.

Project Manager

J:\JOBS-PP29977\3.31.21 Pump Repairs.doc

www.acschultes.com

MOTOR & PUMP SALES & SERVICE * WELLS * WATER /WASTEWATER SYSTEM CONSTRUCTION & MAINTENANCE

**CITY OF SALEM
RESOLUTION 2021-107**

**A RESOLUTION AMENDING RESOLUTION 2021-93 AUTHORIZING THE
HIRING OF IVAN PORTER AS A LABORER FOR THE CITY OF SALEM
PUBLIC WORKS DEPARTMENT**

WHEREAS, the Common Council of the City of Salem adopted Resolution 2021-93 at the March 29, 2021 Council Meeting; and

WHEREAS, the salary stated for the new laborer was listed as \$36,427.00 per year;

WHEREAS, the starting salary for the laborer according to the Union contract is \$37,712.87;
and

WHEREAS, the City of Salem wishes to adjust the salary for the new laborer to \$37,712.87.

BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey that the starting salary for **IVAN PORTER** is \$37,712.87.

ATTEST:

CITY OF SALEM

Ben Angeli, Clerk

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, Clerk

**CITY OF SALEM
RESOLUTION 2021-108**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
DEMOLITION OF REAL PROPERTY KNOWN AS JACK'S MEN'S STORE**

WHEREAS, there is a need to demolish the remaining structure located at 192-194 East Broadway, Block 27, Lot 12 in the City of Salem; and

WHEREAS, the NJ Historic Sites Council has approved the demolition, subject to compliance with certain specifications; and

WHEREAS, bids were solicited and rejected because the amount of the bids exceeded the amount budgeted and estimated for the project; and

WHEREAS, bids were solicited on a second occasion which resulted in no bids being received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 (3) the City Council, by Resolution adopted in 2020, authorized the negotiation of a contract where bids had been advertised on two occasions resulting in the circumstances set forth above; and

WHEREAS, it thereafter became necessary to make some revisions to the scope of the project and the City requested quotes for the project anticipating the total amount of the contract would fall below the bid threshold; and

WHEREAS, it is recommended by the Administrator that a contract be awarded to Caravella Demolition, Inc. who provided the lowest responsive quote for the project in the amount of \$27,000. For the demolition \$5,000. For the clearance, grading and filling of the site; and

WHEREAS, the CFO has certified that the funds are available.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey, that a contract for the demolition of Jack's Men's Store is awarded to Caravella Demolition in the total amount of \$32,000. and that the Mayor is authorized to execute a contract for the same following the posting by the contractor of the required insurances and documents required by the City Qualified Purchasing Agent.

ATTEST:

CITY OF SALEM

Ben Angeli, Clerk

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, Clerk

**CITY OF SALEM
RESOLUTION 2021-109**

**A RESOLUTION AUTHORIZING CHANGING THE OFFICIAL
SIGNERS FOR VARIOUS CITY OF SALEM BANK ACCOUNTS**

WHEREAS, Patrick Hegarty was appointed as the part time Tax collector for the City of Salem; and

WHEREAS, Mr. Hegarty will be required to issue checks from the City of Salem TT&L REDEMPTION ACCOUNT as listed on exhibit "A"

BE IT HEREBY RESOLVED by the Common Council of the City of Salem in the State of New Jersey that the City Tax Collector, Patrick Hegarty is authorized to sign checks for the City of Salem bank account listed on exhibit "A"

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, RMC

RESOLUTION 2021-109
EXHIBIT "A"

City of Salem (Tax ID 2166001146)

Account:

TT&L REDEMPTION ACCOUNT

Account Number:

001300014685

Franklin Bank
Salem City Branch
137 West Broadway
Salem NJ 08079

**CITY OF SALEM
RESOLUTION 2021-110**

**A RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO
RESCHEDULE THE TAX LIEN SALE TO JUNE 23, 2021**

WHEREAS, there remains on the records and books of the City of Salem delinquent taxes, water and sewer utility assessments and other municipal charges outstanding as of December 31, 2020; and

WHEREAS, N.J.S.A. 54:5 et seq., provides for the enforcement and collection of such delinquencies through a Tax Lien Sale; and

WHEREAS, the Tax Collector is empowered by statute to conduct and preside over the sale of liens; and

WHEREAS, the Common Council of the City of Salem adopted Resolution 2021-64 on February 15, 2021 to hold the tax lien sale on April 23, 2021; and

WHEREAS, the Tax Collector has determined that it is in the best interest of the City of Salem to reschedule the tax lien sale to June 23, 2021; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey that the Tax Collector is authorized to reschedule and conduct a Tax Lien Sale on June 23, 2021 for 2020 delinquent taxes, utility assessments and other municipal charges.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2021-111**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM
DEED REGARDING REAL PROPERTY DESIGNATED AS BLOCK 62, LOT 24
AND COMMONLY KNOWN AS 22 - 24 WALNUT ST., SALEM**

WHEREAS, on or about November 22, 2019, Peter M. Esposito recorded a deed for property located at 22 and 24 Walnut St., Salem, N.J. and designated as Block 62, Lot 24 on the City's tax map which conveyed the property to the City of Salem; and

WHEREAS, the City had not been notified prior to the recording of said deed that it had been prepared and recorded nor has the governing body for the City of Salem ever adopted an ordinance to accept the donation of the property; and

WHEREAS, the property is not needed for a public purpose; and

WHEREAS, in order to resolve the issues with the City regarding ownership and clear the title to the property so that it can be properly conveyed to a third party, the Esposito has agreed to accept a quitclaim deed for the property from the City.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey, that the Mayor is authorized to execute a quitclaim deed conveying the City's interests, if any, in property known as 22-24 Walnut St., Block 62, Lot 24 to Peter Esposito for the sum of \$1.00.

ATTEST:

CITY OF SALEM

Ben Angeli, Clerk

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, Clerk

**CITY OF SALEM
RESOLUTION 2021-112**

**A RESOLUTION EXTENDING CERTAIN COVID-19 LEAVE BENEFITS
PERMITTED BY THE AMERICAN RESCUE PLAN OF 2021**

WHEREAS, the Families First Coronavirus Response Act (FFCRA) went into effect on April 1, 2020 and required employers to provide certain forms of paid COVID related leave to eligible employees; and

WHEREAS, specifically the FFCRA provided for 80 hours of emergency paid sick leave (EPSL) for certain Covid related reasons and 12 weeks of emergency family and medical leave (EFMLA) to be used to care for an employee's child due to covid related school or daycare closings; and

WHEREAS, the mandatory leave requirements expired on December 31, 2020, but the stimulus package passed by the US Congress in late December provided that employers could voluntarily allow employees to use the remainder of their allotted EPSL or EFMLA for qualifying reasons through March 31, 2021; and

WHEREAS, the recently passed American Rescue Plan of 2021 (ARPA) expands the scope of the EPSL and EFMLA to allow employers to voluntarily provide additional leave from April 1, 2021 through September 30, 2021.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey, that the City Council voluntarily shall provide EPSL and EFMLA leave for Covid related reasons of its employees as permitted in the American Rescue Plan of 2021.

BE IT FURTHER RESOLVED the bank of 80 hours under the EPSL and EFMLA bank of 12 weeks as provided under the FFCRA shall be reset as of April 1, 2021. Benefits not used as of September 31, 2021 shall expire.

ATTEST:

CITY OF SALEM

Ben Angeli, Clerk

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, Clerk

**CITY OF SALEM
RESOLUTION 2021-113**

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY
OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12 These items are for
(8) *Matters relating to the employment relationship***

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) *Matters Required by law to be confidential*: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Any matter in which the release of information would impair the right to receive federal funding.

(3) *Matters involving individual privacy*: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned.

(4) *Matters pertaining to a collective bargaining agreement*: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds*: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) *Matters of public protection*: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) *Matters relating to litigation, negotiations and attorney-client privilege*: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Board is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

(8) *Matters relating to the employment relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) *Deliberations after public hearing*. Deliberations by the Board occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the City Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Salem that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

(8) *Matters relating to the employment relationship*

BE IT FURTHER RESOLVED that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline						
R. Davis						
T. Gregory						
V. Groce						
S. Kellum						
G. Slaughter						
J. Smith						
E. Gage						

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on April 19, 2021.

Date

Ben Angeli, RMC