

**CITY OF SALEM**  
**COMMON COUNCIL REGULAR MEETING MINUTES**  
***FEBRUARY 15, 2021***  
**6:30 PM**

**OPENING 6:30 PM**

**PLEDGE OF ALLEGIANCE:** Council President Earl Gage

**INVOCATION:** Council President Earl Gage

**STATEMENT OF ADVERTISEMENT:** Mr. Angeli read the statement as follows:

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, Gregory, Kellum, Slaughter, Smith, Gage

Absent: Groce

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

**APPROVAL OF BILLS:**

Motion: Gregory and Second Kellum

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

**PUBLIC PORTION FOR AGENDA ITEMS ONLY:**

Motion to open: Gregory and Second: Kellum

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

Mr. Angeli stated the following: The public is instructed that this portion of the meeting is provided for comments and questions on Agenda items only. There will be a public portion later in the meeting for general comments and questions. Please state your name and address, street name only for the record.

No comments or questions were offered.

Motion to close the public portion on agenda items: Gregory and Second: Kellum

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

**COMMUNICATIONS/APPLICATIONS/REPORTS:** None

**INTRODUCTION OF ORDINANCES FOR FIRST READING:**

This is the first reading and introduction. The public hearing for these ordinances will be on March 15, 2021 at 6:30PM

ORD. 2101

AN ORDINANCE OF THE CITY OF SALEM AMENDING SECTION 2 OF  
CHAPTER 43 OF THE MUNICIPAL CODE OF THE CITY OF SALEM FIXING

THE TITLES, SALARIES AND COMPENSATION RANGES OF OFFICERS AND  
EMPLOYEES OF THE CITY OF SALEM

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

ORD. 2102 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2021  
(N.J.S.A. 40A: 4-45.14)

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

This is the first reading and introduction. The public hearing for this ordinance will be on April 19, 2021 at  
6:30PM

ORD. 2103 AN ORDINANCE OF THE CITY OF SALEM TO AMEND AND  
ESTABLISH STORMWATER MANAGEMENT REGULATIONS

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

**INTRODUCTION OF RESOLUTIONS FOR CONSIDERATION:**

RES. 2021-62 A RESOLUTION APPROVING AGREEMENT WITH SOUTH JERSEY  
PORT CORPORATION

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

RES. 2021-63 RESOLUTION FIXING SALARIES OF CERTAIN CITY OFFICERS,  
EMPLOYEES AND APPOINTEES

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

RES. 2021-64 A RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO  
HOLD A TAX LIEN SALE

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

RES. 2021-65 RESOLUTION AUTHORIZING SIGNING AGREEMENT WITH  
REAL AUCTION.COM LLC FOR PROCESSING OF BID INFORMATION  
RELATED TO TAX LIEN CERTIFICATE AUCTION

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

RES. 2021-66 RESOLUTION AUTHORIZING SIGNING CONSENT FOR SOUTH JERSEY  
INDUSTRIES (SJ GAS) TO REPLACE PIPELINE UNDER THE 5<sup>TH</sup> STREET  
RIGHT OF WAY IN THE CITY OF SALEM

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

RES. 2021-67 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: Gregory and Second Kellum All Council Members present voted in favor in a voice vote.

RES. 2021-68 RESOLUTION AUTHORIZING SIGNING AGREEMENT WITH  
EDMONDS GOVTEC FOR 2021 SOFTWARE MAINTENANCE

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

RES. 2021-69      A RESOLUTION APPOINTING THE FIRM OF BROWNFIELD REDEVELOPMENT SOLUTIONS AS THE MUNICIPAL GRANT CONSULTANT AND AUTHORIZING THE CITY OF SALEM TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES

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

RES. 2021-70      A RESOLUTION APPOINTING THE FIRM OF MONTROSE ENVIRONMENTAL SOLUTIONS, LLC AS THE BROWNFIELDS DEVELOPMENT CONSULTANT AND AUTHORIZING THE CITY OF SALEM TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES

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

RES. 2021-71      A RESOLUTION APPOINTING JOSEPH MARAZITI, ESQ. AS REDEVELOPMENT COUNSEL AND AUTHORIZING THE CITY OF SALEM TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES

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

RES. 2021-72      A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF CERTAIN CHEMICALS FROM COYNE

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

RES. 2021-73      A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF CERTAIN CHEMICALS FROM UNIVAR

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

RES. 2021-74      A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF CERTAIN CHEMICALS FROM SHANNON CHEMICALS

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

RES. 2021-75      A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF CHEMICALS FROM USALCO

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

RES. 2021-76      RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF WATER METERS

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

RES. 2021-77      A RESOLUTION AUTHORIZING SALEM CITY COMMERCE DEPARTMENT TO CONDUCT AND PREPARE AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING AND HOME OWNERSHIP

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

RES. 2021-78      AUTHORIZING CHANGE ORDER #1 NJOT RECONSTRUCTION OF GRIEVES PARKWAY PHASE 5

New Jersey Department of Transportation State Aid Project  
Division of Local Aid and Economic Development

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

## **COMMITTEE REPORTS:**

### **ADMINISTRATION (Gage, Gregory, Kellum, Smith)**

Mr. Gage said that we had two good Admin meetings were working on some items.

### **PUBLIC SAFETY (Gage, Smith, Groce, Davis)**

Mr. Gage spoke about the Fenwick Ambulance and that they needed to be following all the rules.

### **PUBLIC WORKS (Groce, Gregory, Gage, Slaughter) – No report**

**ORDINANCE/BUILDINGS AND GROUNDS (Slaughter, Cline, Smith, Groce) – No additional updates since caucus**

### **NEIGHBORHOOD INITIATIVES/PARKS AND RECS (Slaughter, Kellum, Cline, Davis)**

Councilwoman Slaughter spoke about the Clean Communities Mini Grants. She asked any group that wanted to help to please contact her and that info would be out in an eblast.

### **ECONOMIC AND COMMUNITY DEVELOPMENT (Davis, Smith, Gregory, Kellum)**

Mr. Davis spoke about a new housing inspector and that we needed to plug loopholes that people were abusing.

## **MAYORAL COMMENTS:**

Mayor Washington stated that we were moving forward with getting a developer into the landfill. He said that meetings were being held and that he was excited about the progress.

## **ADMINISTRATOR REPORT:**

Mr. Angeli spoke about a few minor issues that he wanted to update the Mayor and Council on.

## **CFO REPORT:** No report

## **COMMERCE DIRECTOR REPORT:**

Mr. Bailey spoke about the Analysis of Impediments Survey and that he would be doing it in April. He also spoke about the LEAP grant

## **OLD BUSINESS:** None

## **NEW BUSINESS:** None

## **PUBLIC PORTION:**

Motion to open: Gregory and Second: Kellum

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

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.

There were no comments or questions from the public.

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:** Was not held.

**ADJOURNMENT:**

Motion: Gregory and Second: Kellum

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

*NEXT COUNCIL MEETING: MARCH 8, 2021 AT 6:30 PM*

Minutes respectfully submitted by:

---

Ben Angeli, RMC

**CITY OF SALEM  
ORDINANCE NO. 2101**

**AN ORDINANCE OF THE CITY OF SALEM AMENDING SECTION 2 OF  
CHAPTER 43 OF THE MUNICIPAL CODE OF THE CITY OF SALEM FIXING  
THE TITLES, SALARIES AND COMPENSATION RANGES OF OFFICERS AND  
EMPLOYEES OF THE CITY OF SALEM**

**BE IT ORDAINED** by the Common Council of the City of Salem, in the County of Salem and State of New Jersey that Section 2 of Chapter 43 of the Municipal Code as last amended by Ordinance 1307 and 1622 be amended as follows:

**SECTION 1.**

This ordinance sets the minimum and maximum salaries (listed in Attachment A) for the non-contractual officers and employees of the City of Salem, Salem County, State of New Jersey, in accordance with the provisions of this Ordinance, as set forth below to be effective upon adoption.

**SECTION 2. Collective Bargaining Units**

Salaries, remuneration, allowances and expenses as may be provided for by any Collective Bargaining Agreement or Employment Agreement approved by the Common Council of the City of Salem shall be paid in accordance with said agreement(s).

**SECTION 3.** All ordinances or parts of ordinances or any resolutions of the City of Salem inconsistent herewith are repealed in full.

**SECTION 4.** If any part or parts of the Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately after final passage and publication as provided by law.

**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 an Ordinance introduced by the Common Council of the City of Salem on February 15, 2021. Public Hearing shall take place on March 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

## Salary Ordinance - Attachment

	SALARY RANGE		
	Minimum	Maximum	
<b>ADMINISTRATION</b>	=====	=====	
Mayor		\$8,700.00	Yearly
Council President		\$7,200.00	Yearly
Council Member		\$6,700.00	Yearly
City Administrator	\$40,000.00	\$85,000.00	Yearly
City Clerk	\$40,000.00	\$55,000.00	Yearly
Deputy Municipal Clerk	\$20,000.00	\$40,000.00	Yearly
Director of Commerce	\$35,000.00	\$67,000.00	Yearly
<b>MUNICIPAL COURT</b>	=====	=====	
Judge	\$18,000.00	\$24,000.00	Yearly
Court Administrator	\$38,000.00	\$60,000.00	Yearly
Deputy Court Administrator	\$28,000.00	\$40,000.00	Yearly
<b>FINANCE</b>	=====	=====	
Chief Financial Officer / Tax Collector	\$70,000.00	\$104,000.00	Yearly
Chief Financial Officer	\$75,000.00	\$90,000.00	Yearly
Tax Collector	\$30,000.00	\$60,000.00	Yearly
Tax Assesor	\$15,000.00	\$24,000.00	Yearly
Deputy Treasurer	\$40,000.00	\$65,000.00	Yearly
Tax Search Officer	\$800.00	\$1,300.00	Yearly
Municipal Search Officer	\$800.00	\$1,300.00	Yearly
<b>Public Safety</b>	=====	=====	
Chief of Police	\$80,000.00	\$115,000.00	Yearly
Lieutenant	\$75,000.00	\$95,000.00	Yearly
Corporal - Additional		\$1,000.00	Yearly
Special Officer, Class 2		\$35.50	Per Hr.
Special Officer, Class 1		\$15.30	Per Hr.
Emergency Management Coordinator	\$4,000.00	\$6,000.00	Yearly
Deputy Emergency Mgmt. Coordinator	\$2,000.00	\$4,000.00	Yearly
<b>Public Works</b>	=====	=====	
Superintendent of Public Works	\$90,000.00	\$160,000.00	Yearly
Water Superintendent	\$80,000.00	\$95,000.00	Yearly
Sewer Superintendent	\$80,000.00	\$95,000.00	Yearly
Street Superintendent	\$65,000.00	\$85,000.00	Yearly

**CITY OF SALEM  
ORDINANCE 2102**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2021  
(N.J.S.A. 40A: 4-45.14)**

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

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

WHEREAS, the City Council of the City of Salem in the County of Salem finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City of Salem hereby determines that a 1 % increase in the budget for said year, amounting to **\$ 70,448.71** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Salem, in the County of Salem, a majority of the full-authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the City of Salem shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to **\$ 246,570.48** and that the CY 2020 municipal budget for the City of Salem be approved and adopted in accordance with this ordinance; and

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

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

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

**ATTEST:**

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM**

\_\_\_\_\_  
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 an Ordinance introduced by the Common Council of the City of Salem on February 15, 2021. Public Hearing shall take place on March 15, 2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
ORDINANCE 2103**

**AN ORDINANCE OF THE CITY OF SALEM TO AMEND AND ESTABLISH STORMWATER  
MANAGEMENT REGULATIONS**

WHEREAS, The City of Salem intends to update and revise its ordinances to reflect amendments to the State Stormwater Management Rules adopted March 2, 2020.

NOW, THEREFORE BE IT ORDAINED:

**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 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 the effective date of this ordinance, whichever earlier}*; 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."

"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.

#### **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](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.

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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-15)

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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-15)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	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 Office of the Salem County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 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 {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:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
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](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/greport/gsr32.pdf>

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

**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](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](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;

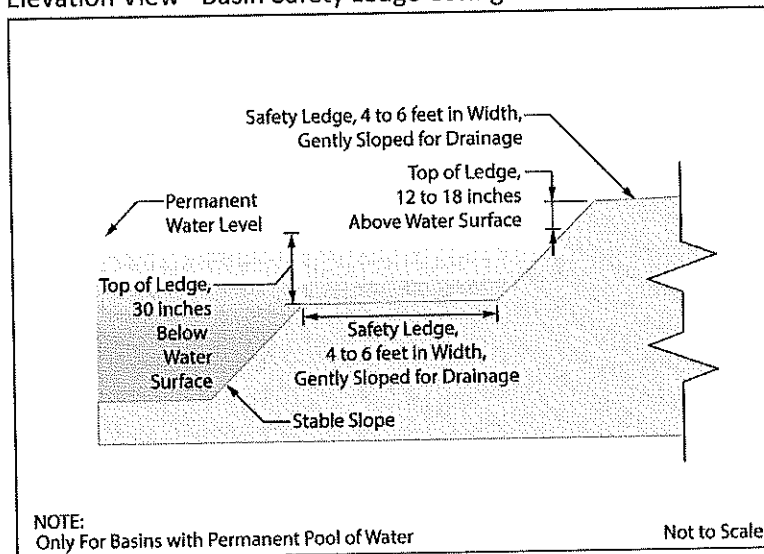
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and 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.

## 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. In the event the facility is to be dedicated to the municipality, a two year maintenance guarantee shall be posted in accordance with N.J.S.A. 40:55D-53
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 : to a fine of not less than one hundred dollars ( \$100.00) nor more than two thousand dollars ( \$2,000.00); or imprisonment in the County jail for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by a court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

### **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						
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 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

**CITY OF SALEM  
RESOLUTION 2021-62**

**A RESOLUTION APPROVING AGREEMENT WITH SOUTH JERSEY  
PORT CORPORATION**

**WHEREAS**, the South Jersey Port Corporation owns property within the City of Salem for certain port operations; and

**WHEREAS**, S.J Port Corporation is exempt from real estate taxation but is authorized to enter into an agreement with the City to make payment in lieu of taxes; and

**WHEREAS**, S.J. Port Corporation has submitted an agreement that it will pay the sum of \$31,224.37 for the year 2021.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Common Council of the City of Salem that the agreement with S.J. Port Corporation for the payment in lieu of taxes in the amount of \$31,224.37 for the tax year 2021 as attached hereto is approved and the Mayor is authorized to execute the agreement.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**2021 TAX AGREEMENT**

**BETWEEN**

**CITY OF SALEM**

**AND**

**SOUTH JERSEY PORT CORPORATION**

**THIS TAX AGREEMENT** (hereinafter referred to as the "Tax Agreement") made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between the **CITY OF SALEM**, a body corporate and politic of the State of New Jersey (hereinafter referred to as the "CITY") and the **SOUTH JERSEY PORT CORPORATION**, an Agency of the State of New Jersey, a body corporate and politic (hereinafter referred to as the "**PORT CORPORATION**").

**WITNESSETH:**

**WHEREAS**, pursuant to Chapter Sixty of the Laws of 1968 of the State of New Jersey, as amended (hereinafter referred to as the "Act"), the State of New Jersey ("State") granted the **PORT CORPORATION** full power and authority to purchase, construct, lease and operate marine terminals within the South Jersey Port District, which

includes the City; and

**WHEREAS**, the **PORT CORPORATION** has, and will in the future, enter into various agreements, whereby they have, and will in the future, acquire title to real property within the City in furtherance of said purposes and in exercise of its powers; and

**WHEREAS**, the exercise of the power granted to the **PORT CORPORATION** will be, in all respects, for the benefit of the people of the State, for the increase of the commerce and, as the development, operation and maintenance of marine terminals by the **PORT CORPORATION** continues, will constitute the performance of an essential governmental function; and

**WHEREAS**, the Act provides that the **PORT CORPORATION** is not required to pay any taxes or assessments on any property acquired or used by the **PORT CORPORATION** under the provision of the Act, and that said property shall be exempt from taxation; and

**WHEREAS**, to the end that municipalities may not suffer undue loss of further tax revenues by reason of the acquisition of real property therein by the **PORT CORPORATION**, the **PORT CORPORATION** is authorized, empowered and directed to enter into an agreement or agreements whereby it will undertake to pay a fair and

reasonable sum to compensate the said municipality for any loss of any such tax revenues by reason of the acquisition of any such property by the **PORT CORPORATION** and every municipality wherein such property shall be acquired by the **PORT CORPORATION** is authorized, empowered and directed to enter in such an agreement or agreements with the **PORT CORPORATION** to accept such sum or sums as more fully set forth in the Act; and

**WHEREAS**, the **PORT CORPORATION** has acquired the real property within the City of Salem; and

**WHEREAS**, the parties to this Tax Agreement have agreed to a fair and reasonable sum in order to compensate the **CITY** for said loss of tax revenues and to enable it to provide for services to its citizens;

**NOW, THEREFORE, THE PARTIES HERETO FOR THEMSELVES, THEIR SUCCESSORS AND ASSIGNS MUTUALLY UNDERTAKE, COVENANT AND AGREE AS FOLLOWS:**

Section 1. The **PORT CORPORATION** agrees to pay to the **CITY** for the calendar year 2021 the sum of \$31,224.37 and the **CITY** hereby agrees to accept this

amount as payment pursuant to the Act, said sum in lieu of any and all taxes and assessments on the property in the City owned by the Port Corporation and on any other property acquired by the **PORT CORPORATION** during the term of this Agreement.

Section 2. The above annual sum, provided for in Section 1 above, shall be paid within thirty (30) days of appropriation by the State and receipt of such funds by the Port Corporation.

Section 3. In the event the **PORT CORPORATION** shall fail to make said payment when due and to the extent required by this Agreement, the **PORT CORPORATION** shall pay to the **CITY** interest thereon at the same rate or rates charged by the **CITY** at said time to non-exempt real property owners.

Section 4. The above payments shall be devoted by the **CITY** solely to such purpose to which taxes may be applied, unless and until otherwise directed by the Laws of the State of New Jersey. Each payment shall be made payable to the Treasurer of the City of Salem and checks shall be made payable to his order.

Section 5. During the term of this Tax Agreement from the date of acquisition of each particular parcel by the **PORT CORPORATION**, and for so long thereafter as the **PORT CORPORATION** shall own real property within the City of Salem, the **CITY** shall mark the said property exempt on its tax records with a notation that such entry is made pursuant to this Tax Agreement.

Section 6. The **PORT CORPORATION** shall establish and maintain a special fund called the "South Jersey Port Corporation Tax Reserve Fund," in which there shall be deposited: (a) monies appropriated therefor by the State, as described in Section 8 below; (b) proceeds of bonds or notes required to be deposited therein by the terms of any contract between the **PORT CORPORATION** and the bondholders or noteholders; and (c) other monies deposited therein by the **PORT CORPORATION** available for such deposit pursuant to the terms of tax agreements or said contract. Moneys in the South Jersey Port Corporation Tax Reserve Fund shall be held and applied solely to the payment of tax payments which the **PORT CORPORATION** is obligated to pay as the same become due and payable and shall not be withdrawn therefrom if such withdrawal would

reduce the amount in such fund to less than the Property Tax Reserve, as defined in Section 20(b) of the Act.

Section 7. The obligations of the **PORT CORPORATION** to make any tax payments from its funds or moneys (other than from monies in the South Jersey Port Corporation Tax Reserve Fund) shall be at all times subject to prior use and application of funds and moneys of the **PORT CORPORATION** to provide for its operating and maintenance expenses and reserve therefore and for the payment of principal, interest and retirement of bonds and reserves and securities therefore as provided in any contract with holders of its bonds, pursuant to the Act.

Section 8. To assure the provision of the payment of the moneys hereunder and funding of the Property Tax Reserve, the Chairman of the **PORT CORPORATION** shall annually, on or before December 1, make and deliver to the Governor, his certification stating the sum, if any, needed to provide in said fund the amount of the property tax reserve as of said date. The **PORT CORPORATION** shall not be required to make payments and no interest shall accrue under the within agreement until 30 days from the

time as there has been annually appropriated and paid to the corporation for deposit in the property tax reserve fund such sums as certified by the Chairman of the **PORT CORPORATION** pursuant to N.J.S.A. 12:11A-20b; or unless funds otherwise have been deposited in said property tax reserve fund as provided by statute and referred to above; or unless the **PORT CORPORATION** otherwise has funds available from the profits of its business operations, defined as net proceeds remaining after operating expenses and the other priority obligations under the act and bond resolutions have been met.

Section 9. The term of this Tax Agreement shall be for the period of one (1) year commencing January 1, 2021 and terminating December 31, 2021.

Section 10. It is expressly understood and agreed between the **CITY** and the **PORT CORPORATION** that, by the execution of this Tax Agreement and receipt of the sums provided for herein, the obligations of the **PORT CORPORATION** and the **CITY** pursuant to Section 20(b) of the Act, N.J.S.A. 12:11A-20(b), relating to the issuance of bonds or notes of the **PORT CORPORATION**, are hereby satisfied for the 2021 calendar year.

Section 11. In the event that any of the property with the City of Salem currently owned by the Port Corporation is conveyed during the term of this Tax Agreement by the **PORT CORPORATION** to a non-exempt owner, or to the State, or an agency thereof, the United States Government or any agency thereof, or to the Delaware River Port Authority, the amount to be paid under this Tax Agreement by the **PORT CORPORATION** shall be reduced. The amount of such reduction shall be the same percentage that the value of the property so conveyed is as to the total value of all the property, based on the present assessment applied to the annual payment. In the event that the parties cannot agree as to the percentage of value, said percentage shall be determined by the average of two appraisals, both of which shall be made by members of the Appraisal Institute. Each party shall be entitled to select one M.A.I. appraiser and each party shall pay the appraiser selected by it.

Section 12. Neither the members of the **PORT CORPORATION** nor any individual officer or official of the **PORT CORPORATION** or the **CITY**, nor any agent or employee of either of the parties hereto shall be charged personally by any of the others with any

liability, nor held liable to either of the parties hereto under any terms, provisions or sections of this Tax Agreement, or because of its execution, attempted execution or any breach hereof.

Section 13. This Tax Agreement constitutes the entire agreement among the parties for the 2021 calendar year. It is expressly understood and agreed that this Tax Agreement may not be altered, amended, modified, or otherwise changed in any respect or particular whatsoever except in writing duly executed by the authorized representative of the party or parties to be charged.

Section 14. This Tax Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey. In the event any section or provision of this Tax Agreement, or the application of any such sections or provision, shall be held by a tribunal of competent jurisdiction to be contrary to law, the remaining sections or provisions of this Tax Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereby have executed these presents as of the day and year first above written.

Attest:

CITY OF SALEM


\_\_\_\_\_  
[SEAL]

By:

Attest:

SOUTH JERSEY PORT CORPORATION

  
\_\_\_\_\_  
[SEAL]

  
\_\_\_\_\_  
By: ANDREW SAPORITO, EXECUTIVE DIRECTOR  
And CEO

**CITY OF SALEM  
RESOLUTION 2021-63**

**RESOLUTION FIXING SALARIES OF CERTAIN CITY OFFICERS,  
EMPLOYEES AND APPOINTEES**

**WHEREAS**, an ordinance entitled "AN ORDINANCE FIXING TITLES, SALARIES AND COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF SALEM, NEW JERSEY" has been adopted following public hearing; and

**WHEREAS**, said ordinance provides for salary ranges of various job titles and positions; and

**WHEREAS**, it is the intention of the Mayor and Council to fix the salaries of those individuals who hold such positions;

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Mayor and Council of the City of Salem that the salaries of the officers and employees holding the positions set forth below, and subject to the salary ranges set forth in the aforementioned ordinance, are hereby fixed effective January 1, 2020 unless stated otherwise, as follows:

<u>TITLE OF POSTION</u>	<u>SALARY AS OF JAN. 1, 2020</u>
Court Administrator	\$57,043.00
Police Clerk	\$43,599.53
Confidential Secretary	\$44,387.33
Judge	\$20,604.50
Commerce Director/Deputy Clerk	\$65,975.00
Tax Assessor	\$21,804.00
CFO / Tax Collector (retired)	\$101,978.58
Sewer Superintendant	\$89,320.00
Street Dept Supervisor	\$78,926.40
Director of Public Works	\$147,175.00

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-64**

**A RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO  
HOLD A TAX LIEN SALE**

**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;

**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 conduct a Tax Lien Sale April 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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-65**

**RESOLUTION AUTHORIZING SIGNING AGREEMENT WITH  
REAL AUCTION.COM LLC FOR PROCESSING OF BID INFORMATION  
RELATED TO TAX LIEN CERTIFICATE AUCTION**

**WHEREAS**, the City has scheduled an electronic tax lien certificate sale; and

**WHEREAS**, RealAuction.com LLC is licensed to do business in the State of New Jersey for Internet-based processing of bid information related to the auction of Municipality's tax lien certificates; and

**WHEREAS**, RealAuction.com LLC has provided an agreement to provide the necessary services (Attachment A); and

**WHEREAS**, the City Attorney has reviewed said contract (Attachment A); and

**WHEREAS**, the City chooses to contract with Real Auction.com LLC for the stated services.

**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 sign the Agreement for Electronic tax Lien Certificate Sale Services (Attachment "A") submitted by RealAuction.com LLC..

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-66**

**RESOLUTION AUTHORIZING SIGNING CONSENT FOR SOUTH JERSEY  
INDUSTRIES (SJ GAS) TO REPLACE PIPELINE UNDER THE 5<sup>TH</sup> STREET  
RIGHT OF WAY IN THE CITY OF SALEM**

**WHEREAS**, the City of Salem received a request from HMI Technical Solutions, LLC on behalf of South Jersey Industries, Inc. (aka South Jersey Gas), to provide assistance with an application to the New Jersey Department of Environmental Protection (NJDEP) for replacing steel pipeline with plastic pipeline; and

**WHEREAS**, South Jersey Industries is proposing to replace 2" and 6" pipeline running from a starting point of front Street and Griffith Street then run east along Griffith and Grant Streets to the intersection of grant and Hubbell Street; and

**WHEREAS**, there will be another replacement along 5yh Street near its intersection with Griffith Street; and

**WHEREAS**, both replacements will occur entirely within the public road right of way; and

**WHEREAS**, the total replacement of pipeline will be 0.8 miles; and

**WHEREAS**, the application to NJDEP for a CAFRA permit requires signatures from Salem City as the owner of the 5<sup>th</sup> Street right of way; and

**WHEREAS**, the Mayor of Salem City is authorized to sign the Property Owner Certification from and Section B of the Application Form for Permit Authorizations as the owner of the 5<sup>th</sup> street right of way; and

**WHEREAS**, the City consents to the replacement pipeline project in the municipally owned right-of-way of 5<sup>th</sup> Street; and

**WHEREAS**, the City understands that if the permit is granted by NJDEP, South Jersey Industries will be responsible for all construction associated with the project as well as any permit conditions regarding land and property disturbance in the project areas as the permittee.

**NOW THERE BE IT RESOLVED** by the Common Council of the City of Salem, County of Salem and State of New Jersey, that it shall execute this resolution giving consent to South Jersey Industries, Inc. (South Jersey Gas) permission to replace a pipeline under 5<sup>th</sup> Street in Salem City

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-67**

**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, 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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-68**

**RESOLUTION AUTHORIZING SIGNING AGREEMENT WITH  
EDMONDS GOVTEC FOR 2020 SOFTWARE MAINTENANCE**

**WHEREAS**, the City utilizes Edmonds GovTech software and services for various departments; and

**WHEREAS**, Edmonds GovTech has provided quality product and services to the City of Salem for a number of years; and

**WHEREAS**, Edmonds GovTech provided the City with a “2021 MCSJ Software Support & License Agreement”(Attachment “A”) and the “2021 Minimum Recommended Back-up Procedures”; and

**WHEREAS**, the City chooses to continue to use Edmonds GovTech for the software support that they currently provide.

**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 sign the 2020 MCSJ Software Support & License Agreement” and the “2021 Minimum Recommended Back-up Procedures” (Attachment “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, 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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-69**

**A RESOLUTION APPOINTING THE FIRM OF BROWNFIELD  
REDEVELOPMENT SOLUTIONS AS THE MUNICIPAL GRANT CONSULTANT  
AND AUTHORIZING THE CITY OF SALEM TO ENTER INTO A CONTRACT  
FOR PROFESSIONAL SERVICES**

**WHEREAS**, there exists the need for a Grant Consultant to provide grant writing services to the City of Salem; and

**WHEREAS**, such services are “professional services” as defined in the Local Public Contracts Law (N.J.S.A. 40A:11-1. et. seq.) and are not required to be advertised for competitive bids;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Common Council of the City of Salem, County of Salem and State of New Jersey as follows:

1. That **BROWNFIELD REDEVELOPMENT SOLUTIONS** be and hereby is appointed to serve as the Municipal Grant Consultant of the City of Salem for the year 2021;
2. That the Mayor and Clerk be hereby authorized and directed to execute an agreement with **BROWNFIELD REDEVELOPMENT SOLUTIONS** to serve as Municipal Grant Consultant for a one (1) year term. The term of service will be from January 1, 2021 to December 31, 2021; however such service shall be at the pleasure of the City Council and thus may be terminated at any time by the Council with or without cause prior to December 31, 2021;
3. That this contract be awarded without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law, because **BROWNFIELD REDEVELOPMENT SOLUTIONS** is authorized by law to practice a recognized profession, namely, grant consultant;
4. That copies of this resolution and the agreement be made available for public inspection in the Office of the Municipal Clerk and a notice of this action be published in The South Jersey Times within ten (10) days of its passage as required by law.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-70**

**A RESOLUTION APPOINTING THE FIRM OF MONTROSE ENVIRONMENTAL  
SOLUTIONS, LLC AS THE BROWNFIELDS DEVELOPMENT CONSULTANT AND  
AUTHORIZING THE CITY OF SALEM TO ENTER INTO A CONTRACT FOR  
PROFESSIONAL SERVICES**

**WHEREAS**, there exists the need for a Brownfields Development Consultant to provide environmental services to the City of Salem; and

**WHEREAS**, such services are “professional services” as defined in the Local Public Contracts Law (N.J.S.A.40A:11-1. et. seq.) and are not required to be advertised for competitive bids;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Common Council of the City of Salem, County of Salem and State of New Jersey as follows:

1. That **MONTROSE ENVIRONMENTAL SOLUTIONS, LLC** be and hereby is appointed to serve as Brownfields Development Consultant of the City of Salem for the year 2021;
2. That the Mayor and Clerk be hereby authorized and directed to execute an agreement with **MONTROSE ENVIRONMENTAL SOLUTIONS, LLC** to serve as Brownfields Development Consultant for a one (1) year term of service ending December 31, 2021; however such services shall be at the pleasure of the City Council and thus may be terminated at any time by the Council with or without cause prior to December 31, 2021;
3. That this contract be awarded without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law, because **MONTROSE ENVIRONMENTAL SOLUTIONS, LLC** is authorized by law to practice a recognized profession, namely Environmental Consultant.
4. That notice of this action be published in The South Jersey Times within ten (10) days of its passage as required by law.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-71**

**A RESOLUTION APPOINTING JOSEPH MARAZITI, ESQ. AS  
REDEVELOPMENT COUNSEL AND AUTHORIZING THE CITY OF SALEM TO  
ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES**

**WHEREAS**, there exists the need for a solicitor to provide legal services to the City of Salem; related to redevelopment projects; and

**WHEREAS**, such services are "professional services" as defined in the Local Public Contracts Law (N.J.S.A. 40A:11-1. et. seq.) and are not required to be advertised for competitive bids;

**WHEREAS**, such services were sought through the fair and open process; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Common Council of the City of Salem, County of Salem and State of New Jersey as follows:

1. **JOSEPH MARAZITI, ESQ.** of the firm **MARAZITI AND FALCON, LLP** be appointed as redevelopment Counsel for the City of Salem for calendar year 2021; and
2. That the Mayor and City Clerk be hereby authorized and directed to execute an agreement with **JOSEPH MARAZITI** to serve as Redevelopment Council until December 31, 2021. However such service shall be at the pleasure of the City Council and thus may be terminated at any time by the Council with or without cause, prior to December 31, 2021;
3. That the contract be awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, the firm of **MARAZITI AND FALCON, LLP.** and **JOSEPH MARAZITI, ESQ** are authorized by law to practice a recognized profession, namely, Attorney-At-Law;
4. That copies of this resolution and the agreement be made available for public inspection in the Office of the City Clerk and a notice of this action be published in The South Jersey Times within ten (10) days of its passage as required by law.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

**CITY OF SALEM  
RESOLUTION 2021-72**

**A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF  
CERTAIN CHEMICALS FROM COYNE**

**WHEREAS**, the City advertised for bids for the purchase of chemicals for its water treatment process for the year 2021;

**WHEREAS**, there were five bidders who submitted bids as further outlined on the bid summary spreadsheets attached hereto; and

**WHEREAS**, it has been determined that Coyne is the lowest bidder for the purchase of:

Calcium Hypochlorite:	Coyne Alternate	2.5803 lb 24 pails/Deli
Citric Acid Anhydrous:	Coyne	0.9088 lb
Activated Carbon Hydrodarco B:	Coyne	1.0265 lb

**WHEREAS**, the CFO can certify the availability of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council that the Mayor is authorized to enter into a contract on behalf of the City of Salem with Coyne for the purchase of the above chemicals for the proposed prices.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

# City of Salem 2021 Bids Spreadsheet

## Chemical Bids

Calcium Hypochlorite:

*Coyne Alternate	2.5803 lb 24 pails/Deli
Coyne	3.2187 lb 10 pails/Deli

Sodium Hypochlorite 55-gallon drums:

*Univar	1.94 gal
Coyne	1.9405 gal

Sodium Hypochlorite bulk:

*Univar	0.965 gal
Kuene	1.15 gal

Sodium Bisulfite 55-gallon drums:

*Univar	2.90 gal
Coyne	3.02 gal

Sodium Bisulfite bulk:

*Univar	2.78 gal
Coyne	2.8696 gal

Citric Acid Anhydrous:

Univar	1.36 lb
*Coyne	0.9088 lb

Aluminum chlorohydrate:

*Usalco	2.8967 gal
---------	------------

Activated Carbon Hydrodarco B:

Univar	1.125 lb
*Coyne	1.0265 lb

Liquid Zinc Pyrophosphate:

*Shannon	11.47 gal
----------	-----------

Liquid Hydrochloric Acid:

*Univar	2.25 gal
Coyne	4.6833 gal

## Meter Bids

Meters, meter parts: \*Rio (only bid)

**CITY OF SALEM  
RESOLUTION 2021-73**

**RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF CERTAIN  
CHEMICALS FROM UNIVAR**

**WHEREAS**, the City advertised for bids for the purchase of chemicals for its water treatment process for the year 2021;

**WHEREAS**, there were five bidders who submitted bids as further outlined on the bid summary spreadsheets attached hereto; and

**WHEREAS**, it has been determined that Univar is the lowest bidder for the purchase of:

Sodium Hypochlorite 55-gallon drums:	1.94 gal
Sodium Hypochlorite bulk:	0.965 gal
Sodium Bisulfite 55-gallon drums:	2.90 gal
Sodium Bisulfite bulk:	2.78 gal
Liquid Hydrochloric Acid:	2.25 gal

**WHEREAS**, the CFO can certify the availability of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council that the Mayor is authorized to enter into a contract on behalf of the City of Salem with Univar for the purchase of the above chemicals for the proposed price.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

# City of Salem 2021 Bids Spreadsheet

## Chemical Bids

### Calcium Hypochlorite:

*Coyne Alternate	2.5803 lb 24 pails/Deli
Coyne	3.2187 lb 10 pails/Deli

### Sodium Hypochlorite 55-gallon drums:

*Univar	1.94 gal
Coyne	1.9405 gal

### Sodium Hypochlorite bulk:

*Univar	0.965 gal
Kuene	1.15 gal

### Sodium Bisulfite 55-gallon drums:

*Univar	2.90 gal
Coyne	3.02 gal

### Sodium Bisulfite bulk:

*Univar	2.78 gal
Coyne	2.8696 gal

### Citric Acid Anhydrous:

Univar	1.36 lb
*Coyne	0.9088 lb

### Aluminum chlorohydrate:

*Usalco	2.8967 gal
---------	------------

### Activated Carbon Hydrodarco B:

Univar	1.125 lb
*Coyne	1.0265 lb

### Liquid Zinc Pyrophosphate:

*Shannon	11.47 gal
----------	-----------

### Liquid Hydrochloric Acid:

*Univar	2.25 gal
Coyne	4.6833 gal

## Meter Bids

Meters, meter parts: \*Rio (only bid)

**CITY OF SALEM  
RESOLUTION 2021-74**

**A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF  
CERTAIN CHEMICALS FROM SHANNON CHEMICALS**

**WHEREAS**, the City advertised for bids for the purchase of chemicals for its water treatment process for the year 2021;

**WHEREAS**, there were five bidders who submitted bids as further outlined on the bid summary spreadsheets attached hereto; and

**WHEREAS**, it has been determined that SHANNON CHEMICALS is the responsible bidder for the purchase of:

Liquid Zinc Pyrophosphate: Shannon 11.47 gal

**WHEREAS**, the CFO can certify the availability of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council that the Mayor is authorized to enter into a contract on behalf of the City of Salem with SHANNON for the purchase of the above chemical for the proposed price.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

## City of Salem 2021 Bids Spreadsheet

### Chemical Bids

Calcium Hypochlorite:

	*Coyne Alternate	2.5803 lb 24 pails/Deli
	Coyne	3.2187 lb 10 pails/Deli

Sodium Hypochlorite 55-gallon drums:

	*Univar	1.94 gal
	Coyne	1.9405 gal

Sodium Hypochlorite bulk:

	*Univar	0.965 gal
	Kuene	1.15 gal

Sodium Bisulfite 55-gallon drums:

	*Univar	2.90 gal
	Coyne	3.02 gal

Sodium Bisulfite bulk:

	*Univar	2.78 gal
	Coyne	2.8696 gal

Citric Acid Anhydrous:

	Univar	1.36 lb
	*Coyne	0.9088 lb

Aluminum chlorohydrate:

	*Usalco	2.8967 gal
--	---------	------------

Activated Carbon Hydrodarco B:

	Univar	1.125 lb
	*Coyne	1.0265 lb

Liquid Zinc Pyrophosphate:

	*Shannon	11.47 gal
--	----------	-----------

Liquid Hydrochloric Acid:

	*Univar	2.25 gal
	Coyne	4.6833 gal

### Meter Bids

Meters, meter parts: \*Rio (only bid)

**CITY OF SALEM  
RESOLUTION 2021-75**

**A RESOLUTION AUTHORIZING CONTRACTS FOR THE PURCHASE OF  
CHEMICALS FROM USALCO**

**WHEREAS**, the City advertised for bids for the purchase of chemicals for its water treatment process for the year 2021;

**WHEREAS**, there were five bidders who submitted bids as further outlined on the bid summary spreadsheets attached hereto; and

**WHEREAS**, it has been determined that USALCO is the lowest bidder for the purchase of:

Aluminum chlorohydrate: 2.8967 gal

**WHEREAS**, the CFO can certify the availability of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council that the Mayor is authorized to enter into a contract on behalf of the City of Salem with USALCO for the purchase of the above chemical for the proposed price.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

## City of Salem 2021 Bids Spreadsheet

### Chemical Bids

Calcium Hypochlorite:

\*Coyne Alternate  
Coyne

2.5803 lb 24 pails/Deli  
3.2187 lb 10 pails/Deli

Sodium Hypochlorite 55-gallon drums:

\*Univar  
Coyne

1.94 gal  
1.9405 gal

Sodium Hypochlorite bulk:

\*Univar  
Kuene

0.965 gal  
1.15 gal

Sodium Bisulfite 55-gallon drums:

\*Univar  
Coyne

2.90 gal  
3.02 gal

Sodium Bisulfite bulk:

\*Univar  
Coyne

2.78 gal  
2.8696 gal

Citric Acid Anhydrous:

Univar  
\*Coyne

1.36 lb  
0.9088 lb

Aluminum chlorohydrate:

\*Usalco

2.8967 gal

Activated Carbon Hydrodarco B:

Univar  
\*Coyne

1.125 lb  
1.0265 lb

Liquid Zinc Pyrophosphate:

\*Shannon

11.47 gal

Liquid Hydrochloric Acid:

\*Univar  
Coyne

2.25 gal  
4.6833 gal

### Meter Bids

Meters, meter parts: \*Rio (only bid)

**CITY OF SALEM  
RESOLUTION 2021-76**

**RESOLUTION AUTHORIZING CONTRACT FOR THE PURCHASE  
OF WATER METERS**

**WHEREAS**, the City advertised for bids for the purchase of water meters for the year 2021; and

**WHEREAS**, there was one bidder who submitted a bid, namely Rio, who proposed to supply water meters for the City as needed in the year 2021 at the unit price per meter as indicated on the attached spreadsheet (attachment A); and

**WHEREAS**, the CFO can certify the availability of funds.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council that the Mayor is authorized to enter into a contract on behalf of the City of Salem with Rio for the purchase of water meters for the proposed price

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

## City of Salem 2021 Bids Spreadsheet

### Chemical Bids

Calcium Hypochlorite:

\*Coyne Alternate  
Coyne

2.5803 lb 24 pails/Deli  
3.2187 lb 10 pails/Deli

Sodium Hypochlorite 55-gallon drums:

\*Univar  
Coyne

1.94 gal  
1.9405 gal

Sodium Hypochlorite bulk:

\*Univar  
Kuene

0.965 gal  
1.15 gal

Sodium Bisulfite 55-gallon drums:

\*Univar  
Coyne

2.90 gal  
3.02 gal

Sodium Bisulfite bulk:

\*Univar  
Coyne

2.78 gal  
2.8696 gal

Citric Acid Anhydrous:

Univar  
\*Coyne

1.36 lb  
0.9088 lb

Aluminum chlorohydrate:

\*Usalco

2.8967 gal

Activated Carbon Hydrodarco B:

Univar  
\*Coyne

1.125 lb  
1.0265 lb

Liquid Zinc Pyrophosphate:

\*Shannon

11.47 gal

Liquid Hydrochloric Acid:

\*Univar  
Coyne

2.25 gal  
4.6833 gal

### Meter Bids

Meters, meter parts: \*Rio (only bid)

**CITY OF SALEM  
RESOLUTION 2021-77**

**A RESOLUTION AUTHORIZING SALEM CITY COMMERCE DEPARTMENT  
TO CONDUCT AND PREPARE AN ANALYSIS OF IMPEDIMENTS TO FAIR  
HOUSING AND HOME OWNERSHIP**

**WHEREAS**, multiple federal agencies issuing grants for home buying and home repair programs require an Analysis of Impediments; and

**WHEREAS**, the Analysis of Impediments will identify obstacles faced by current and future residents who desire for home ownership; and

**WHEREAS**, the Analysis of Impediments will be used as a guide over a five (5) year period for the preparation and development of future Housing plans and ordinance's; related to homeownership; and

**WHEREAS**, the city will take action to dismantle barriers to home ownership identified in the Analysis of Impediments; and

**WHEREAS**, the City of Salem understands there is a need to identify and examine all barriers to homeownership; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Salem, in the County of Salem, New Jersey hereby authorizes Salem City Commerce Department to prepare and conclude an Analysis of Impediments to Fair Housing and Home Ownership.

**ATTEST:**

**CITY OF SALEM**

\_\_\_\_\_  
Ben Angeli, RMC

\_\_\_\_\_  
Earl Gage, Council President

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

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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC

# **Outline for the Development of Analysis of Impediments to Fair Housing and Home Ownership**

## **Purpose**

An analysis of Impediments (AI) to fair housing choice and home ownership will be conducted in the City of Salem. The purpose of the AI is to identify all obstacles residents may face in both the public and private sectors. The Analysis will be designed to identify impediments to fair housing within the City of Salem. Take appropriate actions to overcome the effects of any impediments identified through the analysis. Maintain records reflecting the analysis and action taken. Analyze and eliminate housing discrimination in the City of Salem. Promote fair housing and home ownership opportunities for all individuals. Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, family status, disability, and national origin. In addition to promoting housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities while fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

## **Methodology**

### Data Review

In compiling Salem's Analysis of Impediments to Fair Housing, the Commerce Department will review the following:

- Public policies, practices and procedures involving housing and housing related activities;
- Zoning and land use policies, tax assessment/abatement practices;
- The nature and extent of fair housing complaints/suits or other data that may highlight the city's achievements of fair housing;
- Demographic patterns, including an analysis of indices of dissimilarity, the extent to which any demographic group concentrations are due to economic characteristics and whether any policies or practices exist that discourage or encourage specific groups to reside in the City of Salem.
- Home Mortgage Disclosure Act (HMDA) data will be collected

### Community Input

The Commerce Department will solicit input on fair housing topics from City of Salem residents and organizations/agencies. Potential sources include:

- Stand Up for Salem
- Salem County Community College
- Salem City School District
- Salem County Housing Authority
- Neighborhood CDCs
- Salem County Chamber of Commerce
- Gloucester Salem Counties Board of Realtors
- Salem County Inner Agency Council
- South Jersey Economic Development District

## **Outline for the Development of Analysis of Impediments to Fair Housing and Home Ownership**

- Survey of Residents

Input will be sought in one or multiple ways

- Direct, individual conversations with key community members
- Surveys (as well as online)
- Focus group (via zoom or large gathering location for social distancing)
- Public hearing(s)

The final element to be included in the preparation of the AI is input from the Community at large. With around 200 Spanish speaking residents, it will also be suggested that the surveys be conducted in both Spanish and English and a bilingual city employee attend public hearings.

### **The Finished Product**

Upon completion the AI for the City of Salem will include the following elements:

- A. Introduction and Executive Summary of the Analysis
  - I. Who Conducted the AI
  - II. Participants in the AI
  - III. Methodology used
  - IV. Conclusions
    - a. Impediments Identified
    - b. Action plan to address impediments identified
- B. City of Salem Data (if available)
  - I. Demographic Data
  - II. Income Data
  - III. Employment Data
  - IV. Housing data/profile
  - V. Fair Housing Compliant Data
  - VI. Transportation Data
  - VII. Education Data
  - VIII. Home Mortgage Disclosure Act (HMDA) data
  - IX. Fair Housing Testing Data
  - X. Maps
  - XI. Zoning/land use policies
  - XII. Interviews/surveys of:
    - a. Residents
    - b. Community-based organizations
    - c. Fair Housing organizations
    - d. Housing providers
    - e. Realtors
    - f. Lenders
    - g. Community Planning Representatives

## **Outline for the Development of Analysis of Impediments to Fair Housing and Home Ownership**

### **XIII. Other relevant Data**

- C. Evaluation of Salem's Current Fair Housing Status (if available)
  - I. Fair Housing complaints or compliance reviews
  - II. Fair Housing discrimination suits
  - III. Reasoning for any trends or evident patterns
  - IV. Discussion of other Fair Housing concerns or problems
- D. Identification of Potential Impediments to Fair Housing Choice
  - I. Public sector
  - II. Private sector
  - III. Other considerations
- E. Assessment of Current public and private housing programs and activities within Salem.
  - I. Agencies addressing fair housing
  - II. Funding invested
  - III. Programs and activities offered
- F. Conclusions and recommendations
  - I. Action Plan
  - II. Long-term goals (5yrs)
  - III. Annual goals

### **Timeline**

1. Establish and Finalize list of community contacts and discuss best methods of engaging residents and community. **Completed by February 17, 2021**
2. Gather relevant data and maps on Salem, if available. **Completed by February 17, 2021**
3. Develop Survey(s) and/or focus groups. **Completed by March 03, 2021.**
4. Conduct Survey(s) and or focus groups. **Completed by March 31, 2021.**
5. Assess results of survey(s) and/or focus group(s) and develop preliminary list of impediments to fair housing and home ownership. **Completed by April 14, 2021**
6. Hold public meeting for input and to discuss preliminary findings. **Completed by April 28, 2021.**
7. Final Draft completed May 05, 2021

## **Outline for the Development of Analysis of Impediments to Fair Housing and Home Ownership**

8. City Council vote to approve AI and recommended Housing policies and Resolutions.  
**Completed May 17, 2021.**

**RESOLUTION 2021-78**

**AUTHORIZING CHANGE ORDER #1 NJOT RECONSTRUCTION  
OF GRIEVES PARKWAY PHASE 5**

**New Jersey Department of Transportation State Aid Project  
Division of Local Aid and Economic Development**

WHEREAS, by resolution adopted *on 12-2-2021* the Common Council of Salem City, pursuant to advertisement duly made, awarded a contract to Remmington and Vernick Engineers, for NJDOT Reconstruction of Grieves Parkway Phase 5 for the original sum of \$164,000.00 which is the base bid; and

WHEREAS, by memorandum dated February 11, 2021, the Project Engineers recommend that the contract to be amended in the base bid in the amount of (\$28,524.69), a reduction of 17.5% of the original amount awarded of \$164,000; and

WHEREAS, the Chief Financial Officer has indicated her concurrence with the Project Engineers recommendation of a decrease of (\$28,524.69) or 17.5% decrease to the contract amount based on adjustment of estimated quantities to match as-constructed quantities; and

WHEREAS, the aforesaid modification necessitates a change order to reflect the actual contract amount, which change order is permissible under the Local Public Contracts Law and the Local Government Services regulations with respect to the same; and

WHEREAS, Remmington and Vernick Engineers and the City Administrator of Municipal Services recommends authorizing the Change Order and accepting the Maintenance Bond; and

WHEREAS, based on the foregoing, the Common Council of Salem has determined that it is necessary and appropriate to approve Change Order #1, for (\$28,524.69) reduction;

Now therefore BE IT RESOLVED by the Common Council of Salem City, in the County of Salem, Change Order #1 to the contract with Remmington and Vernick Engineers by reducing the sum of \$28,524.69; It hereby directs the Township Clerk to transmit certified copies of this resolution to the Township Purchasing Department, Finance Department, and to the Township Engineer, Remmington and Vernick Engineers  
A copy of said Change Order is attached hereto and made a part hereof.

**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 February 15, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ben Angeli, RMC