

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

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

Roll call was recorded as follows:

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

Absent: DePamphilis

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

Open Public Meetings Act:

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

Council President Johnston asked for a motion to add Resolution No. 53 of 2024 to the agenda. On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve the addition of Resolution No. 53 of 2024.

Communications:

None

Mayor’s Report:

Mayor Tapp announced that the City will be focusing on the abandoned shopping carts issue and that letters of notification have been sent to store owners. Next, he stated that the Somers Point Police Athletic-Activities League will be having a blood drive at the Youth Center on January 23rd from 10:00 a.m. to 3:00 p.m.

Committee Reports:

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None

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve, with Council Member Haberkorn abstaining, the Regular Meeting Minutes of 12/14/2023, Special Meeting Minutes of 3/30/2023 and the Special Meeting Minutes of 7/7/2023.

Ordinances:

Ordinance No. 1 of 2024

M/S- McCarrie/Dill

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

(Introduction/First Reading)

Council Member Haberkorn asked for clarification of the fees.

Council President Johnston Clarified that this ordinance adds \$1.00 per year.

No. 1 of 2024

An Ordinance Amending Ordinance No. 1 of 2023, An Ordinance of the City of Somers Point, County of Atlantic, New Jersey, Establishing the Rates, Fees, Rents and other Charges of the City of Somers Point Sewer Utility.

BE IT ORDAINED by the City Council of the City of Somers Point, that, in accordance with the Municipal and County Sewerage Act, N.J.S.A. 40A:26-A-1 et seq., Section 1 of Ordinance No. 1 of 2019 is hereby amended, and the following schedule of rates, fees, rents and other charges is hereby implemented:

**Rates and Charges
of the
City of Somers Point Sewer Utility**

SECTION 1.

1. The minimum charge per equivalent domestic unit shall be \$386.00 annually.
2. The annual unit sewer charge based on the type of property served shall be as follows:
 - (a) Private dwellings, condominium units and cooperative units basic charge \$386.00

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- (b) Structures with apartments - each apartment \$386.00
- (c) Hotels, rooming houses and private dwellings with rented rooms –
basic charge \$386.00
plus each rented room \$283.00
- (d) Motels - each standard rental unit \$283.00
- each efficiency rental unit. \$386.00
- (e) Small Businesses/Professional Office/Professional Condo Office –
Minimum one charge for each office \$386.00
Additional charges based on water consumption \$386.00
- (f) Trailer parks - each trailer \$386.00
- (g) Service stations and garages \$386.00
- (h) Service stations and garages with washing
facilities \$770.00
- (i) Pumpout facilities for marinas \$386.00
- (j) Churches \$386.00
- (k) Public buildings \$760.00
- (l) The service charge for the use of services of the sewerage system for the
persons who are hereinafter designated, shall be and the same is hereby
fixed and determined as follows: The calculation of the said service
charge shall be based and computed on the consumption of water on or in
connection with the real property of such persons, which water
consumption shall be determined by the reading of the water use meter
used in connection with the real property of such person during the highest
three (3) month period of such water used during any given billing year;
such water use thus determined shall then be divided by a factor of
twenty-seven thousand (27,000) and the quotient shall then be rounded
upwards to the next highest whole number; the said quotient shall then be
multiplied by a factor of \$386.00, and the resulting product, which shall be
expressed in terms of dollars, shall be the annual sewerage charge for such
persons.
The persons referred to in this section are the following: self service
laundries, schools, restaurants, diners, bars, taverns, nursing homes,
hospitals, bowling alleys, theatres, shopping centers, barber shops and
beauty parlors. Large business establishments or industrial plants and
other commercial establishments not herein specifically mentioned.
- (m) Any building, institution, commercial or industrial establishment
discharging wastes other than domestic sewage will pay a premium charge
for the waste. If the waste discharged into the sewer system by industrial
users is stronger than allowed by the rules and regulations, the user shall
pay a premium charge for the extra strength waste applied as a factor
against the annual charge in category. The premium charge shall be based
on the following formula for determination of the multiplication factor.

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Factor= $53.0\% + 19\%(\text{BOD in ppm}^*) + 22\%(\text{ss in ppm}^*) + 6\%(\text{chlorine demand in ppm}^*)$
300 350 5

*Where these figures are less than 300 ppm in BOD or 350 ppm in suspended solids or 5ppm in chlorine demand, the value in the parentheses () shall be equal to "1".

The industrial user will be required to submit a report at least once monthly indicating the strength of sewage entering the Utility's system. The report shall be from an independent laboratory approved by the Utility. For billing purposes during any one year, the Utility will take the average of the samples submitted for use in determining the strength factor. If no reports are submitted to the Utility then the Utility reserves the right to obtain representative samples and use the results obtained from the samples to determine the factor for billing purposes. The cost of any tests required to be performed by the Utility will be added to the user's charges.

All other provisions relating to industrial wastes will be found in the Rules and Regulations of the Utility.

- (n) Notwithstanding anything to the contrary in this section, the minimum service charge to be paid with respect to any type of property shall be\$386.00

SECTION 2:

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 3:

This Ordinance shall take effect after final passage, adoption and publication according to law.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.
Hearing nothing further from the public, the public portion was duly closed.

Resolution No. 37 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 37 of 2024

**REGULAR MEETING
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Subject: Amending Resolution No. 12 of 2024 Appointment of Public Defender

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point wishes to appoint Linda Goff, Esq., as Municipal Public Defender, effective January 1, 2024, to December 31, 2024; and

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

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

1. Linda Goff, Esq., be and hereby is appointed as Municipal Public Defender for the City of Somers Point for the period of January 1, 2024, to December 31, 2024.
2. This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contract Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an Agreement with Linda Goff, Esq., for the calendar year 2024. Upon execution, a copy of the contract will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5.(1)(a)(i) is not required.

Resolution No. 38 of 2024

M/S- McCarrie/Owen

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

No. 38 of 2024

Subject: Resolution Authorizing the Invoice for Community Service Contributions to Shore Memorial Hospital D/B/A Shore Medical Center and its Affiliates

Sponsored by: Council President Johnston

WHEREAS, the New Jersey Legislature passed Bill A-1135 which was signed into law February 22nd, 2021 which requires some NJ hospitals to make community service contributions; and

WHEREAS, Shore Memorial Hospital (now doing business as Shore Medical Center) (“SMC”) signed a commitment dated March 10th 2021 to honor their obligation annually to make said payments; and

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WHEREAS, the NJ Department of Health has certified that SMC has 199 licensed beds that are eligible for the community service contribution at a rate of Three Dollars (\$3.18) per day in 2024 for 365 days; and

WHEREAS, SMC is now required contribute the sum of Two-Hundred and Thirty Thousand Nine Hundred and Eighty Two (\$230,982.00) Dollars to be paid into the general fund to be used for general expenses without any specific designation to be billed by the City quarterly in equal installments which shall be payable on February 1, May 1, August 1, and November 1; and

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

The Tax Collector shall be and is hereby authorized to Invoice Shore Medical Center (“SMC”) for the 2024 Calendar Year to receive the aforementioned community service contributions, subject to such modifications as required and authorized by the City Administrator and/or Solicitor.

It is further **RESOLVED** that the City agrees to accept the community service contributions made by Shore Medical Center to the City for the purposes and uses intended.

Resolution No. 39 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 39 of 2024

**Subject: Authorizing Agreement for Cooperative Pricing System;
New Jersey Cooperative Purchasing Alliance # CK04**

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point acknowledges cooperative purchasing alliances offer public purchasing benefits by standardizing products and services and aggregating requirements, resulting in a net benefit from the combined economies of scale of multiple organizations; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

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WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on January 11, 2024, the governing body of the City of Somers Point, County of Atlantic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

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

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the City of Somers Point

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the City Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

This resolution shall take effect immediately upon passage.

Resolution No. 40 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 40 of 2024

Subject: Change Order 2 – Contract #2020-200, for Traffic Control Products and Related Products and Solutions with TAPCO through the Omnia Partners National Purchasing Cooperative

Introduced by: Council President Johnston

WHEREAS, in accordance with Resolution 84 of 2021, TAPCO of Brown Deer WI was awarded the contract for Traffic Control Products and Related Products and Solutions for the sum of \$143,976.17; and

WHEREAS, during the course of construction an upgrade to the existing credit card solution from magnetic stripe to EMV P2PE Credit Card Reader due to the previously existing magnetic stripe solution has since become no longer supported by TIBA as the credit card industry is transcending in an EMV P2PE solution environment; and

WHEREAS, during the course of construction there was a reduction in the amount of civil infrastructure work that was needed to be done for the installation of the parking kiosks; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Awarded Contract Amount	\$143,976.17
Change order 1 : Res 65 of 2023 (additional to reflect updated solution)	(+\$8,464.00)

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Change Order 2	(-\$5,820.20)
Revised Contract Amount	\$146,557.97
Total Deduction: \$0	Total Additional: \$ 5,820.20
	Net Change: -3.82%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Traffic Control Products and Related Products and Solutions project is hereby approved and that the Mayor and/or Business Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 46 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 46 of 2024

Subject: Zoning Board Appointment

Introduced by: Council President Johnston

WHEREAS, City Council appoints Harry Kent with a term expiring December 31, 2027 and Gregory Germeil as Alternate No. 2 with a term expiring 12/31/2025;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows:

MEMBER	EXPIRATION OF TERM
Doug Gilbert	Dec. 31, 2027
Joseph Craddock	Dec. 31, 2024
Shawn Rowan	Dec. 31, 2025
John Helbig	Dec. 31, 2024
Elizabeth Lawler	Dec. 31, 2026
Mike Kedziora	Dec. 31, 2027
Rex Granus	Dec. 31, 2026
Alternates:	
Harry Kent (No. 1)	Dec. 31, 2024
Gregory Germeil (No. 2)	Dec. 31, 2025

Resolution No. 47 of 2024

M/S- McCarrie/Haberkorn

This resolution was adopted by unanimous vote of those present.

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No. 47 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on January 11, 2024, during a public meeting to be held commencing at 7:00 P.M, and

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

1

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

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

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

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

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

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

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

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needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

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

Resolution No. 48 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 48 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on January 11, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

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Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City’s Planning Board entitled, “GMH Restaurant v. Planning Board of the City of Somers Point, Waterfront Holdings, LLC,” having a docket number of ATL-L-811-23.

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

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

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

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

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

Resolution No. 49 of 2024

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 49 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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

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WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on January 11, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

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

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

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

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

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

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

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This resolution was adopted by unanimous vote of those present.

**No. 50 of 2024
AUTHORIZING EXECUTIVE SESSION**

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF ANTICIPATED LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on January 11, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

1

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of anticipated litigation involving a Tort Claims Notice served upon the City by counsel for Garden State Outdoor, LLC, on December 14, 2023.

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

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

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

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is

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greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

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

Resolution No. 51 of 2024

M/S- McCarrie/Owen

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

No. 51 of 2024

Subject: Appropriation Reserve Transfer

Introduced By: Council President Johnston

WHEREAS, N.J.S. . 40A:4-1 et.seq. allows budget appropriation reserve transfers during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, not less than two-thirds of all members thereof affirmatively concurring, that the Chief Financial Officer is hereby authorized to make the following 2023 budget transfer as specified in this resolution.

Current Fund

From:

Buildings and Grounds S&W	3-01-26-310-100	\$11,000.00
		\$11,000.00

To:

Dept. of Fire OE	3-01-25-255-200	\$11,000.00
		\$11,000.00

Resolution No. 52 of 2024

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M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 52 of 2024

Subject: Appointment of COAH Municipal Planner

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point has identified a need for a Fair Housing Act Municipal Planner (COAH Municipal Planer) for the period commencing upon appointment and for a term not to exceed one year to assist the City in developing and presenting a Compliance Plan to the New Jersey Superior Court for approval and acceptance; and

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

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

1. **Colliers Engineering & Design, Inc.**, be and hereby is appointed as COAH Municipal Planner for the City of Somers Point for the period January 1, 2024, through a term to end not later than December 31, 2024, inclusive.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. This appointment is not exclusive during the term of this contract, and that City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.
4. The Mayor is hereby authorized to execute an agreement with Colliers Engineering & Design, Inc., in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
5. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S.A. 40A:11.5 (6) is not required.

Resolution No. 53 of 2024

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

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Subject: Authorizing purchase of Disaster Recovery Services through the ESCNJ Cooperative Pricing System contract from All Risk Inc, Contract Number #ESCNJ 22/23-23, for the City of Somers Point.

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is permitted to participate in national purchasing cooperatives according to N.J.S.A 52:34-6.2; and

WHEREAS, the ESCNJ Cooperative Pricing System has acted as lead agency and awarded Contract #ESCNJ 22/23-23, Disaster Recovery Services with an Expiration Date of 11/15/2024; and

WHEREAS, the City Clerk's Office has a need to purchase Disaster Recovery Services and to utilize in their office and City Hall; and

WHEREAS, the City Clerk, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Educational Services Commission of New Jersey #ESCNJ 22/23-23, Disaster Recovery Services, and have determined that the utilization of this contract is the most efficient economic solution to repair the City of Somers Point's City Clerk's Office; and

WHEREAS, it is recommended that City Council approve the contracted services for use by the City Clerk's Office and throughout City Hall.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, that Disaster Recovery Services be purchased from All Risk, Inc. (801 E. Clements Bridge Rd. Runnemede, NJ 08078) in accordance with the ESCNJ Cooperative Pricing System #ESCNJ 22/23-23, Expiration Date of 11/15/2024, contract for use by the City of Somers Point as follows:

Item:

Total Amount of ESCNJ Cooperative Pricing System #ESCNJ 22/23-23,
Disaster Recovery Services

from All Risk, Inc
\$14,641.91

**Ref 2024-1-9-3053C2 City of Somers Point*

Total Cost of City Projects: \$
14,641.91

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$14,641.91 in accordance with the ESCNJ Cooperative Pricing System #ESCNJ 22/23-23, Disaster Recovery Services, contract for use by the City of Somers Point.

Consent Agenda:

On the motion of Council Member Dill, seconded Council Member McCarrie and carried to approve the Consent Agenda regarding the following resolutions.

No. 5 of 2024

Subject: Designating Official Newspapers

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

BE IT RESOLVED by the City Council of the City of Somers Point that the Vineland Daily Journal, Ocean City Sentinel, The Press of Atlantic City, The Asbury Park Press, Cape May County Herald and The Current be and are hereby designated as the legal newspapers for the City of Somers Point for a period of one year commencing January 1, 2024.

No. 41 of 2024

Subject: Authorizing RFP's for Lease of Pier

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is in possession of a property known as Block 1612, Lots 2 & 2.01 on the tax maps of the City of Somers Point, located at Higbee and Bay Avenue; and

WHEREAS, this property includes a recreation pier and boating facility; and

WHEREAS, N.J.S.A. 40:61-1. et seq. states that the governing body of any municipality may let out and rent any privilege in any of its parks, beaches, waterfronts and places for public resort and recreation, to the highest responsible bidder therefore, after advertisement of the time and place of such letting, at least ten days prior to receipt of bids, in a newspaper circulating in the municipality, and upon such terms and conditions as it may prescribe.

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

1. The City Clerk is hereby directed to advertise the Requests for Proposals to lease a portion of the pier located at Higbee Avenue and the Bay from the City of Somers Point for use as a docking facility for a watercraft suitable for hire for fishing, sightseeing, and party excursions, a copy of which is attached hereto and made a part hereof.
2. Said advertisement shall be published as soon as possible, but no later than February 1st, 2024.
3. All proposals must be received by the City Clerk no later than 2:00 p.m. on February 29th, 2024 at which time they will be publicly opened, announced and recorded in the City Council Chambers.

No. 42 of 2024

Subject: Authorizing an Advertisement for an RFP for Marketing Services CY 2024

Introduced By: Council President Johnston

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

WHEREAS, the Somers Point Economic Development Advisory Commission and Governing Body of the City of Somers Point is interested in soliciting proposals from independent contractors to provide Services for the Calendar Year 2024; and

WHEREAS, the RFP will be solicited through a fair and open process pursuant to N.J.S.19:44A-20.4 et seq; and

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

1. The City Administrator is hereby authorized to advertise the Requests for Proposals for Marketing Services for the Calendar Year 2024.
2. Said RFP shall be advertised as soon as possible on the City’s Website.
3. The City anticipates receiving the RFP submissions on February 9, 2024, and awarding a Contract on or before February 22, 2024, but reserves the right to reject any and all proposals in their entirety and may take no action in awarding a Contract for this RFP.

No. 43 of 2024

Subject: A Resolution Appointing a Conflict/Alternate Public Defender for the City of Somers Point Pursuant to N.J.S.A. 2B:24-3

Introduced by: Council President Johnston

WHEREAS, N.J.S.A. 2B:24-3 provides that the governing body of municipality is required to appoint a municipal public defender for the purposes of representing certain indigent defendants in the Municipal Court regarding matters within the jurisdiction of said Court; and

WHEREAS, City Council has appointed a Municipal Public Defender for 2024; and

WHEREAS, from time to time, either a conflict or alternate public defender is necessitated for certain matters in the Somers Point Municipal Court; and

WHEREAS, City Council is desirous of setting the parameters of who may appear as a conflict/alternate public defender in Somers Point’s Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that any qualified attorney who practices in Vicinage One of the Superior Court of New Jersey and who fulfills all of the requirements of N.J.S.A. 2B:24-3, may appear as the City’s Conflict/Alternate Public Defender, as needed.

IT IS FURTHER HEREBY RESOLVED that said Conflict/Alternate Public Defender shall be paid per hearing at the same appearance rate as the Municipal Public Defender.

No. 44 of 2024

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

Subject: Appointment of a Conflict/Alternate Municipal Prosecutor

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point has appointed a Municipal Prosecutor, effective January 1, 2024, to December 31, 2024; and

WHEREAS, from time to time, either a conflict or alternate municipal prosecutor is necessitated for certain sessions and/or matters in the Somers Point Municipal Court; and

WHEREAS, in lieu of appointing one individual, City Council is desirous of setting the parameters of who may appear as a conflict/alternate municipal prosecutor in Somers Point's Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that any qualified attorney who has been appointed as a municipal prosecutor or as conflict/alternate municipal prosecutor in Atlantic County, may appear as the City's Conflict/Alternate Municipal Prosecutor, as needed.

IT IS FURTHER HEREBY RESOLVED that said Conflict/Alternate Municipal Prosecutor shall be paid per session rate as the Municipal Prosecutor.

No. 45 of 2024

Subject: Authorizing RFP's for Marina Operations

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is in possession of a property known as Block 1612, Lots 2 & 2.01 on the tax maps of the City of Somers Point, located at Higbee and Bay Avenue; and

WHEREAS, this property includes a marina facility and small office area; and

WHEREAS, N.J.S.A. 40:61-1. et seq. states that the governing body of any municipality may let out and rent any privilege in any of its parks, beaches, waterfronts and places for public resort and recreation, to the highest responsible bidder therefore, after advertisement of the time and place of such letting, at least ten days prior to receipt of bids, in a newspaper circulating in the municipality, and upon such terms and conditions as it may prescribe.

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

1. The City Clerk is hereby directed to advertise the Requests for Proposals the City's Marina Operations located at Higbee Avenue and the Bay from the City of Somers Point for use as a marina facility.

2. Said advertisement shall be published as soon as possible, but no later than February 1st, 2024.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

3. All proposals must be received by the City Clerk no later than 2:00 p.m. on February 29th, 2024 at which time they will be publicly opened, announced and recorded in the City Council Chambers.

4. It is understood that the use as described in this Request for Proposal must be approved by the Somers Point Board of Recreation.

Old Business:

City Engineer Schneider updated City Council on the Ocean Avenue Project, as well as the Exton Road, Colwick Drive and Devon Road Project. He also mentioned that there is a grant pending for Bala Drive.

New Business:

- Council President Johnston distributed the Council Committee Assignments.
- Approved Social Affair Permit for Roberts Johnson Post 2189 VFW for March 2, 2024, from 11:00 a.m. to 6:00 p.m.
- The Planning Board requested a drainage easement for 809 Centre Street and City Solicitor Smith explained in detail the background of that property and what would be required to move forward with the request. City Council agreed to move forward with the request.
- Council Member McCarrie introduced the idea of having the Boy Scouts help collect abandoned shopping carts, however, City Solicitor Smith explained that that could be a liability issue.
- City Engineer Schneider detailed a letter received by the New Jersey Department of Transportation in reference to them acquiring a piece of property on Route 9 along the golf course. Next, he informed the public that residents along Bala Drive, Exton Road, and Bucknell Road will be receiving legal notices on upcoming stormwater repairs. Lastly, he mentioned that he, along with Solicitor Smith and Council President Johnston, will be working on new stormwater ordinances as required by the State.
- City Administrator Frost stated that the chevrons were recently installed on Bay Avenue and he explained that this year is year one of the of the thirty year pilot agreement with the Somers Point Apartments.

Discussion of Bills:

Administrator Frost reported a Bill List dated 1/9/2024 in the amount of \$3,008,530.53.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

Public Portion:

The meeting was duly opened to the public.

Maureen Helbig asked for clarification on Resolution No. 40 of 2024 and recommended posting the Committee rosters on the website and inquired about the Committee assignments.

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

Payment of Bills:

M/S – Dill/McCarrie

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

Comments from Governing Body:

Council Member Dill asked for clarification on the arrow signs that were installed.

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:36 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:25 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:26 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 11, 2024**

Submitted by:

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 2/8/2024