

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 26, 2023**

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: Owen, Bruno, DePamphilis, McCarrie, McGuigan, Dill, Johnston

Also Present: Mayor Glasser, Administrator Frost, City Clerk Samuelson, City Solicitor Smith, and 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.

Communications:

None

Mayor's Report:

Mayor Glasser gave his congratulations to the Somers Point Historical Society members and stated that it was an honor to swear them in. He indicated that the Veterans Advisory Board will be meeting on Wednesday, February 8th at 6:00pm at the AMVETS Building for their Reorganization Meeting. Next, he invited the public to attend the Grand Opening of Planet Fitness on February 7th at 4:00pm. Lastly, he mentioned that many of the Elected Officials will be attending the Fire Company #2 Installation Dinner on Saturday, February 4th.

Administrator's Report:

None

Solicitors Report:

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Solicitor Smith announced that Ordinance No. 4 is on the agenda with the matrix.

Engineers Report:

Engineer Schneider reported that on January 20th the 2022 Stormwater Repairs Phase 2 Preconstruction meeting with the contractor took place, and they will be starting repairs in the middle of February. He pointed out that on agenda tonight is the Bay Avenue light replacement bid, which includes replacing the existing lights with LED lights from Goll Avenue to New Jersey Avenue. He then stated that Administrator Frost and he met with the Atlantic County Engineering Department on January 18th to receive feedback on the grant received for Shore Road.

Committee Reports:

Council Member Dill indicated that the Short Term Rental Committee met, are in the process of finalizing an ordinance and are hoping to present it to City Council in the first or second Council Meeting in February. He also stated that the Planning Board had their Reorganization Meeting on January 18th.

Council President Johnston announced that the Economic Development Committee had their Reorganization Meeting on January 23rd. She revealed that one of their goals for this year is to do promotional work by putting out an Request For Proposal for a marketing company.

Council Member Bruno communicated that the Arts Commission has classes available for adults and children, such as photography and poetry. She also mentioned that now that they have space, they are able to do more; but need more funds.

Approval of Minutes:

None

Proclamations:

None

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Ordinances:

Ordinance No. 1 of 2023

M/S- Dill/Bruno

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

(Second Reading/Public Hearing/Adoption)

Council President Johnston duly opened the meeting to the public.

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

No. 1 of 2023

**AN ORDINANCE AMENDING ORDINANCE NO. 5 OF 2022,
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 \$385.00 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 \$385.00
 - (b) Structures with apartments - each apartment \$385.00
 - (c) Hotels, rooming houses and private dwellings with rented rooms –
basic charge \$385.00
plus each rented room \$283.00

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- (d) Motels - each standard rental unit \$283.00
 - each efficiency rental unit..... \$385.00
- (e) Small Businesses/Professional Office/Professional Condo Office –
 Minimum one charge for each office \$385.00
 Additional charges based on water consumption \$385.00
- (f) Trailer parks - each trailer \$385.00
- (g) Service stations and garages \$385.00
- (h) Service stations and garages with washing
 facilities \$770.00
- (i) Pumpout facilities for marinas \$385.00
- (j) Churches \$385.00
- (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 \$385.00, 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.

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- (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.

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\$385.00

SECTION 2:

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

SECTION 3:

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

Ordinance No. 2 of 2023

M/S- Dill/Owen

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

(Second Reading/Public Hearing/Adoption)

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of 587 Marks Road asked for clarification on this ordinance.

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

No. 2 of 2023 (As Amended)

**An Ordinance Amending Ordinance No. 29 of
2015 and Ordinance No. 4 of 2006 and
Amending and Supplementing Section 5 of
Ordinance 5 of 2001 to Adjust the Sewer
Connection Fee Charges and
Repealing All Ordinances Heretofore Adopted, the
Provisions of Which Are Inconsistent Herewith**

Whereas, the Somers Point City Code Chapter 212 regulates the setting of sewer rates and charges including, under Section 212-9 A, the periodic review of connection charges for the direct or indirect connection with the sewer system; and

Whereas, the sewer system connection fees have been fixed by Ordinance No. 5 of 2001 as amended by Ordinance No. 29 of 2015; and

Whereas, a review of the calculation of the connection fee charges as provided for under the applicable New Jersey Statutes has been undertaken

Now, therefore, it is hereby Ordained by the City Council of the City of Somers Point as follows:

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SECTION 1.

Ordinance 29 of 2015 is rescinded in its entirety and Ordinance 5 of 2001 is Amended pursuant to the following.

SECTION 2.

Section 5 of Ordinance 5 of 2001 is amended in its entirety to read as follows:

In addition to the yearly or annual service charge or rates established in Section I of Ordinance 5 of 2001 the Utility hereby adopts, prescribes and establishes the following sewer system connection fees:

- (a) Private dwellings, apartments, condominium units, cooperative units, motel rooms and other domestic units.....**\$1,757.00**

- (b) Commercial.....there will be charged a connection fee of Five Dollars
(\$5.00) (TBD) per gallon of estimated average daily flow. The estimated average daily flow shall be determined by the Utility on the basis of the factors specified in the Act and such other data and information made available to the Utility from its consulting engineers and the results of its other investigations and studies.

Any such determination shall be filed with the Utility and shall be available for public inspection. The charge may, if the Utility shall so determine, be in the nature of an estimated charge which shall be subject to revision after the installation or construction is completed. In no event shall the connection fee be reduced from the original charge.

SECTION 3.

All other provisions in every other section of Ordinance No 5 of 2001, as same shall have been from time to time previously amended and supplemented, shall remain in full force and effect

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and are not modified or amended by the enactment of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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

Ordinance No. 3 of 2023

M/S- Owen/Dill

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

(First Reading/Introduction).

No. 3 of 2023

An Ordinance Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, and Enacting Article IX, Section 250-73, Designated Crosswalks, and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

WHEREAS, Atlantic County Road No. 585 runs through the City of Somers Point, north to south; and

WHEREAS, said roadway is identified as “Shore Road” in Somers Point; and

WHEREAS, Shore Road has certain marked crosswalks for pedestrian safety located on it in Somers Point; and

WHEREAS, one such crosswalk is located immediately north of Miller Lane at its intersection with Shore Road; and

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WHEREAS, the City of Somers Point wishes to ensure that said marked crosswalk remains as a mid-block crosswalk should there ever be any modifications to the location of Miller Lane at its intersection with Shore Road; and

WHEREAS, Atlantic County’s Department of Regional Planning and Development has requested that the City of Somers Point pass an Ordinance establishing the aforesaid marked crosswalk as a mid-block crosswalk, so that it can then pass a consenting Resolution to the City’s Ordinance; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recognition of the aforesaid marked, mid-blocked crosswalk.

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

SECTION 1:

Chapter 250 of the Code of the City of Somers Point is hereby amended and supplemented to include Article IX, identified as “Crosswalks,” as well as creating Section 250-73, which is identified as “Mid-Block Crosswalks.”

SECTION 2:

Section 250-73 shall read as follows:

There shall exist as a marked, mid-block crosswalk on Atlantic County Roadway Number 585 (“Shore Road”) which has the following legal description: Located on Shore Road mid-block between Delaware Avenue and Somers Avenue, being more particularly described as being located 150 feet south of the southerly curb line of Delaware Avenue on the eastern side of Shore Road and crossing Shore Road perpendicularly to its western side.

SECTION 3:

All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5:

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Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6:

This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 4 of 2023

M/S- Dill/Bruno

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

(First Reading/Introduction)

No. 4 of 2023

An Ordinance Amending and Supplementing the Somers Point Municipal Code Chapter 114 Development Regulations, and Enacting Article XXXII, Zoning Matrix Schedule, Section 114-233, Designated as “Schedule of Minimum Area, Yard and Building Requirements.”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

WHEREAS, the City of Somers Point has enacted certain developmental regulations as set forth in Chapter 114 of the City Code; and

WHEREAS, Section 114-5 of said Chapter, enumerates nineteen (19) different districts within the City; and

WHEREAS, each district is identified in a separate Article of said Chapter; and

WHEREAS, the requirements for minimum area, yard, and building for each of the districts can be different; and

WHEREAS, City Council believes that setting forth a matrix format for the schedule of certain districts would simplify the general public’s use of Chapter 114, as well as its understanding of the development requirements of certain districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point,

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County of Atlantic, and State of New Jersey as follows:

SECTION 1:

Chapter 114 of the Code of the City of Somers Point is hereby amended and supplemented to include Article XXXII, identified as “Zoning Matrix Schedule,” as well as creating Section 114-233, which is identified as “Schedule of Minimum Area, Yard and Building Requirements for Certain Districts.”

SECTION 2:

Section 114-233 shall read as follows:

The matrix below hereby sets forth a schedule for the minimum area, yard and building requirements which provisions are hereby consistent with those requirements identified in Articles IV through XI, Articles XII and XIII, and Articles XV through XVII of Chapter 114 of the City Code, and the Districts identified therein.

(See Attached Matrix Form)

SECTION 3:

All other provisions of Chapter 114 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5:

Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6:

This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Resolutions:

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Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of 587 Marks Road requested clarification on Resolution Number 50.

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

Resolution No. 50 of 2023

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

No. 50 of 2023

Subject: Part Time Hiring of Allison Giampapa

Introduced By: Council Members Dill, McGuigan and McCarrie

WHEREAS, due to a vacancy it is necessary for the City of Somers Point to consider the hiring of a Part-Time Confidential Assistant in the City Clerk's Office; and

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

WHEREAS, the position was advertised and applications received; and

WHEREAS, a review of the applications was completed and an interview of job applicants was conducted by the City Administrator, Municipal Clerk, and Deputy Municipal Clerk; and

WHEREAS, the City Administrator and the Municipal Clerk recommend the hiring of Allison Giampapa to the part time position of Confidential Assistant; and

WHEREAS, adequate funds are available within the City Clerk's Office operations in the 2023 temporary budget for this part time hiring.

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

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- 1.) The hiring of Allison Giampapa to the part time position of Confidential Assistant in the City Clerk’s Office, is hereby approved on January 26, 2023, retroactively with a start date of January 23,2023.
- 2.) She will be compensated at a rate of \$17.00 per hour, and that the employee will not work more than 29 Hours Per week.
- 3.) This is an “at will” employment and is subject to the personnel policies and procedures of the City of Somers Point.

Resolution No. 51 of 2023

M/S- Dill/Owen

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

No. 51 of 2023

Subject: Appropriation Reserve Transfer

Introduced By: Council President Johnston, Council Members Dill and McGuigan

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 2022 budget transfer as specified in this resolution.

Current Fund

From:

Sanitation S&W	2-01-26-305-100	\$11,000.00
		\$11,000.00

To:

Dept. of Fire OE	2-01-25-255-200	\$8,100.00
Prosecutor Services	2-01-25-275-216	\$2,900.00
		\$11,000.00

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Resolution No. 52 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 52 of 2023

Subject: Approving Proposals – Goods and Services 2023

Introduced By: Council President Johnston and Council Member Dill and McGuigan

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on April 21st 2022, May 24th 2022, October 11th 2022 and January 24th 2023 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of May 1st, 2022 to April 30th, 2023:

- a) **Alarm, Monitor, Networking and Ancillary Parts, Installation and Service**
Priority Protection Services LLC
- b) **Celling's, Flooring, Wall Covering and Partition Material, Materials and Installation and Services**
ERCO
- c) **Cellular Communications and Mobile Broadband Services**
Verizon
- d) **Concrete and Masonry Service**
Landberg Construction
- e) **City Hall Custodial Services**
Offshore Carpet Cleaning and Janitorial
- f) **Demolition Services**
American Demolition
- g) **Electrical Contractor Services**
Electric-Tech, Incorporation
Calvi Electric Company

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Hughes Electric

h) Emergency Sewer Pumps and Equipment

Municipal Maintenance Company
Godwin

i) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Incorporation
Ocean Construction

j) Flags Banners and Miscellaneous Display Items

Display Sales
Metropolitan

k) Generator Parts and Service

Genserve

l) Hardware Supplies

Shore True Value
Lawson Products

m) Heavy Duty Truck Mechanic Services

Clegg's Garage Incorporation

n) Influent Grinders for Sewer Pump Stations

Municipal Maintenance
Watermark Environmental Systems, Inc.
KRS Services
JWC Environmental

o) Information Technology and Networking Services

INSC
All Covered
Mae Tro

p) Leaves and Brush Disposal Site

Atlantic Blueberry Co Inc

q) Misc. Employee Uniforms

Action Uniform

r) Plumbing and HVAC Services

McCloskey Mechanical Contractors Inc
Bilmark

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- s) **Sewer Pump Station Parts & Supplies**
KRS Services
Municipal Maintenance Company
EVOQUA

- t) **Sewer Pump Station Maintenance**
KRS Services
McMloskey Mechanical Contractors Incorporation
Municipal Maintenance Company
CW Sales Corporation
A.C Schultes
West Bay Construction, Incorporation

- u) **Sewer Pump Stations, Electrical & Electronics**
KRS Services
Municipal Maintenance Group

- v) **Sewer System Coating, Lining & Restoration**
The Precision Group
Sewer and Water Evaluation and Rehabilitation Procedures

- w) **Storm Drain Cleaning and Television Inspection**
Mobile Dredging and Video Pipe

- x) **Recreation Equipment and Installation**
Ben Shaffer Recreation Incorporation
Green Lane Contractors

- y) **Roofing Repair and Maintenance**
Dorothy Gale Roofing
East Coast Contracting Roofing and Siding
KMR Enterprises Inc

- z) **Vactor Parts and Service**
Vacuum Sales Incorporation

- aa) **Video Cleaning and Maintenance**
Mobile Dredging and Video Pipe

- bb) **Outdoor Farmer's Market Operations and Management**
Jersey Shore Tours
Rob Hopkins

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cc) Auto Mechanic

Galloway Auto and Tire

dd) Animal Control Services

Animal Control of Atlantic County

ee) Signage and Misc Repair

Eastern Signs

Copiers Plus

ff) Environmental / Asbestos Remediation Monitoring Services

Environmental Connection

Resolution No. 53 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council President Johnston commended City Engineer Schneider for his diligence on the rebid.

No. 53 of 2023

Subject: Awarding Bid for the Bay Avenue Replacement Lights - Rebid

Introduced By: Council Member Dill

WHEREAS, on January 20, 2023 the City of Somers Point received bids for the Bay Avenue Replacement Lights Rebid; and

WHEREAS, Hughes Electric Company, LLC of Pleasantville, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the base and alternate contract to Hughes Electric Company, LLC of Pleasantville, New Jersey in the amount of \$611,890.35

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

- 4.) The Contract for the Bay Avenue Replacement Lights Rebid is hereby awarded to Hughes Electric Company, LLC of Pleasantville, New Jersey in the amount of \$611,890.35.

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- 5.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Hughes Electric Company, LLC of Pleasantville, New Jersey, signing on behalf of the City.

Resolution No. 54 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 54 of 2023

Subject: A Resolution Authorizing the Execution and Delivery of an Amended Financial Agreement between the City of Somers Point and Somers Point Preservation, LP

Sponsored by: Council President Johnston

WHEREAS SOMERS POINT PRESERVATION, L.P. is under contract to purchase certain parcel of real property located at 50 Mays Landing and identified on the City’s tax maps as Block 2032, Lots 12.02 and 12.03 (the “**Property**”); and

WHEREAS SOMERS POINT PRESERVATION, L.P. (“Sponsor”) has applied to the New Jersey Housing and Mortgage Finance Agency pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended and supplemented, N.J.S.A. 55:14K-1 *et seq.* (the “**HMFA Law**”) to finance a project to preserve and significantly rehabilitate a two hundred and twenty-five (225) unit HUD Section 8 housing complex (224 restricted rental units and 1 manager unit) located on the Property in furtherance of its affordable housing project on the Property; and

WHEREAS SOMERS POINT PRESERVATION, L.P. had applied to the City for a long-term tax exemption in furtherance of its affordable housing project on the Property; and

WHEREAS on July 21, 2022, the Somers Point City Council approved Resolution 163-2022 authorizing the execution and delivery of a memorandum of understanding and an escrow agreement between the City of SOMERS POINT AND SOMERS POINT PRESERVATION, L.P.; and

WHEREAS on September 22, 2022, Ordinance 24-2022 granting a long-term tax exemption for the Property and authorizing the execution of a Financial Agreement between the City and SOMERS POINT PRESERVATION, L.P. was introduced for first reading, was

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published on September 28, 2022, and was on the City Council Agenda for second reading and public comment on October 13, 2022; and

WHEREAS Ordinance 24-2022 was adopted by the Somers Point City Council on October 13, 2022;and

WHEREAS the New Jersey Housing and Mortgage Finance Agency has approved the financing application submitted by SOMERS POINT PRESERVATION, L.P.; and

WHEREAS the Mortgage Lenders and SOMERS POINT PRESERVATION, L.P. have made a request to amend the Financial Agreement to accommodate and comply with the requirements of the Mortgage financial documents; and

WHEREAS this governing body has reviewed the requested modifications.

Now, therefore, it is hereby **RESOLVED** that the Mayor is authorized to execute and deliver the Financial Agreement between the City of Somers Point and SOMERS POINT PRESERVATION L.P.as amended, in the form attached hereto; and

It is further **RESOLVED** that the Mayor, Administrator, Clerk, Chief Financial Officer, Attorney, and other appropriate officers, employees, and professionals are hereby authorized and directed to prepare and execute any and all other documents regarding the Financial Agreement herein approved and authorized, and to take any and all further acts necessary to accomplish the intended purpose, other than any action or agreement which shall require further action by this governing body.

The within Resolution was adopted at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on the 26th day of January 2023.

Resolution No. 55 of 2023

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

No. 55 of 2023

Subject: A Resolution Approving a Redevelopment Agreement Between the City of Somers Point and Provco Somers Point, L.L.C. for the Redevelopment of Block 719, Lots 15,16, And 17.

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Sponsored by: Council President Johnston

Whereas, the Local Redevelopment and Housing Law, N.J.S. 40A:12A-1, et seq., as amended and supplemented (“Redevelopment Law”) provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and

Whereas, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

Whereas, pursuant to N.J.S.A. 40A:12A-7, a municipality has the authority to designate a redeveloper for a designated rehabilitation and/or redevelopment area; and

Whereas, pursuant to N.J.S.A. 40A:12A-7, a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an area in need of rehabilitation; and

Whereas Redeveloper, as a wholly-owned entity of Interim Conditional Redeveloper Provco Partners, LP, is the equitable owner of those certain parcels of land designated as Block 719, Lots 15, 16 and 17 on the City of Somers Point Tax Map which are situated at the corner of West Groveland Avenue and New Road, and having current street addresses of 920 West Groveland Avenue and 425 New Road, Somers Point, New Jersey, respectively (the "Redevelopment Property" or “Property”); and

Whereas, on August 9, 2021, by Resolution 156 of 2021 the City Council approved a Memorandum of Understanding between the City of Somers Point and Provco Partners, L.P. and designated Provco Partners, L.P. as the Interim Conditional Redeveloper for developing the Property (Block 719, Lots 15, 16, and 17) comprising approximately 2.74 acres and situated along New Road (Rt. 9) at the intersection with West Groveland Avenue within the City of Somers Point; and

Whereas, during a regularly scheduled public meeting on September 9, 2021, Interim Conditional Redeveloper made a presentation to the City Council, with the public in attendance, requesting the City Council to negotiate with the Proposed Redeveloper the terms and conditions of a Redevelopment Plan and a Redevelopment Agreement; and

Whereas the proposal presented by the Interim Conditional Redeveloper contemplated the demolition of the existing Walgreen's structure, reconfiguration of the site, and construction of an ALDI grocery store consisting of approximately 21,659 SF Building with 102 parking spaces, and 1 loading dock. The Proposed Project will also include a full movement driveway on West Groveland Avenue and a left turn out restriction from the driveway onto Rt. 9. The project also

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consists of a new signalized intersection at Rt. 9 and West Groveland Avenue along with road widening and dedicated left turn lanes on West Groveland Avenue. The project will also incorporate an on-site drainage system which will accept both on-site and off-site runoff to improve the West Groveland Avenue drainage conditions (the "Proposed Redevelopment Project"); and

Whereas, the City of Somers Point and Interim Conditional Redeveloper executed a Memorandum of Understanding on September 30, 2021, with the goal of exploring and ultimately adopting an appropriate redevelopment plan for the Redevelopment Property and entering into a Redevelopment Agreement regarding the Proposed Redevelopment Project; and

Whereas a draft West Groveland Redevelopment Plan dated April 20, 2022, was prepared by J. Timothy Kernan and Kristin J. Russell of Colliers Engineering & Design; and

Whereas, the draft West Groveland Redevelopment Plan was reviewed by the City Council members, the City Planner, and the City Engineer; and

Whereas, pursuant to N.J.S.A. 40A:12A-7e, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

Whereas, pursuant to N.J.S.A. 40A:12A-7e, on May 12, 2022, by Resolution 99 of 2022 the draft West Groveland Redevelopment Plan was referred to the Somers Point Planning Board ("Planning Board") requesting the Planning Board to consider and review the draft Redevelopment Plan for a determination of consistency with the overall intent of the City's Master Plan; and

Whereas, in accordance with N.J.S.A. 40:55D-26 at a regular meeting of the City of Somers Point Planning Board ("Planning Board") held on June 15, 2022, the Planning Board reviewed the draft West Groveland Redevelopment Plan; and

Whereas, on June 16, 2022, Jayne Meischker, Planning Board Secretary, submitted to the Somers Point City Council a Memorandum advising that after review the Planning Board voted unanimously to recommend adoption of the Redevelopment Plan as being consistent with the overall intent of the City's Master Plan; and

Whereas, by Ordinance No. 16 of 2022, Somers Point City Council adopted the West Groveland Redevelopment Plan (the "Redevelopment Plan") on July 21, 2022, a copy of which is attached as "Exhibit A" to the Redevelopment Agreement; and

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Whereas, as indicated above, the Interim Conditional Redeveloper has formed a single-purpose entity known as Provco Somers Point, LLC, which is a wholly-owned subsidiary of the Interim Conditional Redeveloper, to undertake the redevelopment contemplated in the Redevelopment Plan and to serve as Redeveloper of the Proposed Redevelopment Property; and

Whereas Provco Somers Point, LLC, as Redeveloper, desires to redevelop the Redevelopment Property in accordance with the Redevelopment Plan and consistent with the Redevelopment Agreement being approved herein; and

Whereas, the Interim Conditional Redeveloper and Redeveloper have submitted information outlining its financial capabilities, experience, expertise, and project concept descriptions for the Project in accordance with the Redevelopment Law and the Redevelopment Plan and Redeveloper has requested designation by the City as the Redeveloper for the Project on the Redevelopment Property; and

Whereas, the City has determined that the Redeveloper possesses the proper qualifications, financial resources, and capacity to implement and complete the Project in accordance with the Redevelopment Plan, and all other Applicable Laws (as such term is defined herein), ordinances and regulations; and

Whereas in order to effectuate the Redevelopment Plan, the Project, and the redevelopment of the Redevelopment Property, the Somers Point City Council has determined to be designed Provco Somers Point, LLC as the Redeveloper for the Redevelopment Property and to enter into a Redevelopment Agreement with Provco Somers Point, LLC, as the designated Redeveloper of the Redevelopment Property.

Whereas, in order to set forth, in a more comprehensive agreement, the terms and conditions under which the Parties shall carry out their respective undertakings, rights and obligations with respect to the construction of the Project, the City has determined to enter into a Redevelopment Agreement with the Redeveloper to specify the respective rights and responsibilities of the City and the Redeveloper with respect to the Project.

Whereas the Parties have agreed upon the form and content of a Redevelopment Agreement to further the redevelopment of the Redevelopment Property consistent with the Redevelopment Plan and have determined to execute the Redevelopment Agreement in the form attached hereto as Exhibit "A".

NOW, THEREFORE, it is on this 26th day of January 2023, hereby resolved by the City Council of the CITY OF SOMERS POINT as follows:

1. The recitals are hereby incorporated as if fully set forth herein.
2. The City hereby designates Provco Somers Point, LLC. as the redeveloper (as that term is defined in the Redevelopment Law) for the Project.

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3. The City hereby approves and consents to the execution of the Redevelopment Agreement, substantially in the form annexed to this Resolution as Exhibit A, subject to minor revisions as deemed necessary or desirable by the City's Solicitor and / or Special Redevelopment Counsel.
4. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution and the terms of the Redevelopment Agreement, and the Mayor shall be authorized and directed to execute the Redevelopment Agreement.
5. The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Redevelopment Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the City Clerk and any other City official, officer or professional, including but not limited to, City Solicitor, and Special Redevelopment Counsel, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, City Solicitor, Special Redevelopment Counsel, City Engineer, City Administrator, and City Planner, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.
6. This Resolution shall be effective immediately.

**EXHIBIT A
REDEVELOPMENT AGREEMENT**

Consent Agenda:

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

No. 46 of 2023

Subject: Resolution of Support from Local Governing Body Authorizing the FY 2022 Local Recreation Improvement Grant (LRIG) Application funded by the New Jersey Department of Community Affairs

Introduced by: Council Members McGuigan, Owen and McCarrie

WHEREAS, the New Jersey Department of Community Affairs is offering the Local Recreation Improvement Grant (LRIG); and

WHEREAS, The Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums.; and

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WHEREAS, ensuring public access to community facilities is imperative given the current strain on communities confronting the COVID-19 pandemic; and

WHEREAS, access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational opportunities. Assisting local units in achieving unmet recreational obligations addresses these equity considerations, meeting the needs of communities that have been placed under substantial stress due to the lack of quality recreational facilities and spaces; and

WHEREAS, Local Recreation Improvement Grant funds will be allocated to each grant recipient to help cover costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities; one-time personnel costs directly related to improvements; project development professional services costs; equipment costs including playground and recreation facilities equipment; and environmental remediation costs required to prepare recreation sites for use; and

WHEREAS, the Local Recreation Improvement Grant (LRIG) exists to: Fund improvements to recreational facilities; Provide quality outdoor recreational space to underserved, communities, particularly in this time of heightened need; and assist local units in achieving unmet recreational obligations; and

WHEREAS, the City of Somers Point strives to save tax dollars, assure clean land, air, and water, improve working and living environments; and

WHEREAS, the City of Somers Point wishes to apply for funding through the NJDCA Local Recreation Improvement Grant; and

WHEREAS, the NJDCA Local Recreation Improvement Grant prioritizes unfunded projects and those that include a local match component; and

WHEREAS, the City of Somers Point desires to apply for and obtain a grant from the NJDCA for approximately \$100,000 for (insert name of park); and

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The Governing Body of the City of Somers Point does hereby authorize the application for this NJDCA Local Recreation Improvement Grant application; and
- 2) Recognizes and accepts that the NJDCA may offer a lesser or greater amount and therefore, upon receipt of the fully executed agreement from the NJDCA, does further authorize the

expenditure of funds pursuant to the terms of the agreement between the City of Somers Point and the NJDCA.

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application for the NJDCA Local Recreation Improvement Grant on behalf of the City of Somers Point.

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

No. 47 of 2023

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, Councilmembers Owen and Bruno

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

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 (\$3.12) per day in 2023 for 365 days; and

WHEREAS, SMC is now required contribute the sum of Two-Hundred and Twenty Six Thousand Six Hundred and Twenty One (\$226,621) 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 2023 Calendar Year to receive the aforementioned community service contributions,

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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.

No. 48 of 2023

Subject: **Resolution Authorizing the City of Somers Point Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Somers Point Police Department to Request and Acquire Excess Department of Defense Equipment**

Introduced By: **Council President Johnston**

Whereas, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

Whereas, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

Whereas, participation in the 1033 Program allows municipal and County LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

Whereas, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

Whereas, N.J.S.A.40A:5-30.2 requires that the Governing Body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate, terminating on December 31 of the current calendar year.

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NOW THEREFORE BE IT RESOLVED, that the Somers Point Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars and any other supplies or equipment of non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Somers Point Police Department without restriction.

BE IT FURTHER RESOLVED that the Somers Point Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes.

BE IT FURTHER RESOLVED that the “DEMIL B through Q” controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution.

BE IT FURTHER RESOLVED that the Somers Point Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

BE IT FURTHER RESOLVED that the Somers Point Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the 2023 calendar year.

No. 49 of 2023

Subject: A Resolution Approving Participation with the State of New Jersey Safe and Secure Communities Program Administered by the NJ Dept. of Law & Public Safety, Office of the Attorney General

Introduced By: Council President Johnston

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WHEREAS, the City of Somers Point desires to make application and receive funding for a project under the 2023 Safe and Secure Communities Program (Grant #23-0121); and

WHEREAS, the Safe and Secure Communities Program is a program of the State of New Jersey Department of Law and Public Safety, Office of the Attorney General.

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

The project is a joint effort between the NJ Department of Law and Public Safety, Office of the Attorney General and the City of Somers Point for the purpose described in the application.

The Safe and Secure Communities Program Grant #23-0121 is for the period beginning on August 1, 2022, through July 31, 2023.

The amount of the grant is \$12,621 and the cash match by the City of Somers Point is \$212,843 for a total project cost of \$225,464.

The City of Somers Point is authorized to accept and does accept this grant award.

The grant funds of \$12,621.00 are accepted for the purpose described in the grant application.

The Mayor and City Administrator are hereby authorized and directed to sign, complete and file all necessary documents in connection with this award on behalf of the City.

Old Business:

None

New Business:

City Council approved the Social Affair Permit for Cornhole New Jersey, Inc., on 3/18/2023 from 4:00 pm to 11:45 pm at E-23 Mays Landing Road. She also informed Council that the State is proposing reform to the liquor license laws.

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Discussion of Bills:

Administrator Frost reported a Bill List dated 1/26/2023 in the amount of \$459,336.35 and Record of Payments dated 1/13/2023 in the amount of \$111,115.82 and 1/18/2023 in the amount of \$14,500.00.

Public Portion:

The meeting was duly opened to the public.

Ed O'Donnell of New Jersey expressed his concerns around the City, such as, homelessness, mental health and litter.

Patricia Pierson of 587 Marks Road mentioned that she thinks a traffic study was being conducted on the streets surrounding Josie Kelly's. She also mentioned how bad the potholes by Waterfront Marina. Next, she requested a report on what Council learned at the League of Municipalities. Lastly, she suggested the resuming of the Bar and Liquor Association.

Robert Gabriel of 8 Gardenia Drive, Egg Harbor Township, stated his view on short-term rentals.

Kellie Gasperini, of 66 Gulf Mill Road suggested the installation of a Kids at Play sign on Dogwood Drive. She also inquired about the possibility of street legal golf carts.

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

Payment of Bills:

M/S – Dill/Bruno

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.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Bruno seconded and carried to adjourn the meeting at 7:38 p.m.

Submitted by:

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 2/9/23