

# REGULAR MEETING MAYOR AND CITY COUNCIL January 28, 2021

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

Roll call was recorded as follows:

**Present:** Bruno, Dill, Ferreri, McCarrie, McGuigan, Owen, Johnston

**Also Present:** Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, Deputy City Clerk Heath and City Solicitor Thomas Smith

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### Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office and on the City's website, somerspointgov.org. The meeting was held via ZOOM platform and in person due to the pandemic of COVID-19. Council President Johnston announced the instructions for joining the meeting electronically.

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### Communications:

None

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### Mayor's Report:

Mayor Glasser stated he is glad to see everyone in chambers as it is easier to have conversation. Mayor Glasser informed that a meeting was held with the Public Safety Committee to put the City on the right course for the year. He indicated that the Committee will meet again this summer. Mayor Glasser informed that he was honored to perform the virtual swearing in of the Somers Point Business Association. He stated this is a great organization and is very happy with the work they do. He mentioned the work they did with the Economic Development Advisory Commission and City Council to regarding the new branding and logos for the City.

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### Administrator's Report:

City Administrator Frost reported that budget meetings are scheduled for 2/4/21, and the Marina Requests for Proposals will be going out shortly.

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## Solicitors Report:

None

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## Committee Reports:

Council Member Dill reported the Planning Board had their Reorganization meeting on 1/20/21 and informed the members and professionals and where the meeting dates can be found. He also informed that the Planning Board passed a resolution regarding the Target that is coming to Somers Point. Council Member Dill reported the Parking Committee had a meeting and discussed possible metering or paid parking along Bay Avenue. He stated there are 113 parking spaces and based on \$1 per hour, this could bring in revenue of approximately \$240,000 if they are open from April 15<sup>th</sup> through October 15<sup>th</sup>. He mentioned that this would be at no cost to the City and that payment would be made through an app.

Council Member McGuigan reiterated Administrator Frost's notice of the Budget and Finance Committee beginning budget meetings with Department Heads. He encouraged members of Council who are not on the Committee to reach out to him or a member of the Committee with any questions or concerns. Council Member McGuigan stated that the budget is a large and important task and that it is important the Council Members understanding everything regarding the budget. Council Member McGuigan also informed the next Recreation Commission meeting is scheduled.

Council Member Owen pointed out Resolution No. 53 on the agenda which is a change order for Pump Station contract.

Council President Johnston reported the Economic Development Advisory Commission (EDAC) has requested the Mayor forward a letter to the County to request Rt 559 become a no passing zone to make it safer for bicyclists. Also, EDAC is requesting the Council support their efforts of having Somers Point designated nationally as a bike friendly community, which will increase tourism and attract visitors. To receive this designation, the City must meet certain criteria which would include having bike racks at businesses and public areas. EDAC would like the Council to support encouraging local merchants to install bike racks and request the Planning Board to recommend bike racks be installed at new locations. Council concurred. Council President Johnston also stated EDAC would like to see more outdoor seating. She stated the outdoor seating trend will likely continue after COVID19 and that EDAC would like the Council to consider revising the seating ordinance to allow this to continue. Council Member Dill stated his agreement of extending outdoor seating. Council Member McGuigan stated the outdoor seating goes in hand with the next request relative to parking requirements at restaurants. He stated that he has looked into this in the past and mentioned how difficult it will be to change parking requirements, since they are not uniform throughout the City and depend on the zoning

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classification of the area. Solicitor Smith discussed the appropriate procedure regarding outdoor seating and parking.

Council President Johnston informed the City has previously passed a Resolution designating the entire City as an area in need of rehabilitation. She stated this gives the ability to designate certain properties as redevelopment zones. EDAC is requesting the Council direct the City Engineer to research properties in the City and make recommendations on where redevelopment zones should be and the highest invest use for those properties. Council President Johnston stated their will be a committee formed to research this project.

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**Approval of Minutes:**

On the motion of Council Member Owen, seconded of Council Member Dill and carried to approve the Regular Meeting Minutes of 1/14/2021 were approved.

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**Ordinances:**

**Ordinance No. 1 of 2021**

*(Second Reading/ Public Hearing/ Adoption)*

**M/S-** Dill/Ferreri

The ordinance was adopted unanimously by a roll call vote of those present.

The Public Portion was duly opened.

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

**ORDINANCE NO. 1 of 2021**

**AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 2019,  
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:

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

**SECTION 1.**

1. The minimum charge per equivalent domestic unit shall be \$383.00 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 . . . . . \$383.00
  - (b) Structures with apartments - each apartment . . . . . \$383.00
  - (c) Hotels, rooming houses and private dwellings with rented rooms – basic charge . . . . . \$383.00  
plus each rented room . . . . . \$276.00
  - (d) Motels - each standard rental unit . . . . . \$276.00  
- each efficiency rental unit..... \$383.00
  - (e) Small Businesses/Professional Office/Professional Condo Office – Minimum one charge for each office . . . . . \$383.00  
Additional charges based on water consumption . . . . . \$383.00
  - (f) Trailer parks - each trailer . . . . . \$383.00
  - (g) Service stations and garages . . . . . \$383.00
  - (h) Service stations and garages with washing facilities . . . . . \$760.00
  - (i) Pumpout facilities for marinas . . . . . \$383.00
  - (j) Churches . . . . . \$383.00
  - (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

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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 \$383.00, 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.

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.

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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 .....\$383.00

**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.

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**Ordinance No. 2 of 2021**

*(Second Reading/ Public Hearing/ Adoption)*

**M/S-** Owen/Ferreri

The ordinance was adopted by a roll call vote of those present with Council Member Dill recusing and Council Member McGuigan voting no. Mayor Glasser recused himself from executing this Ordinance due to a conflict.

Council Member McGuigan expressed his strong opposition to this Ordinance.

Council Member Ferreri stated Somers Point is a resort town and allowing short term rentals will bring people to this City where they will shop in our stores and patronize the restaurants. For this reason, she supports this Ordinance.

Council Member McCarrie stated many corporate clients are using short term rentals as opposed to putting their employees in a hotel due to COVID19. He stated he sees the benefits of bringing in different corporate clients.

Council Member Owen voiced his support for this Ordinance.

Council President Johnston stated this Ordinance will ensure landlords are following the rules. She stated that short term rentals have been here for a very long time, and this Ordinance will give the City control to enforce rules.

The Public Portion was duly opened.

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Greg Sykora of 2 Horter Avenue stated this Ordinance will give the City more control by having short term rentals apply for a mercantile license. This will give the City the ability to revoke the license.

Council Member McGuigan confirmed with Solicitor Smith that the current rental Ordinance and registration that is in place for rentals gives the City the ability to revoke the license for cause.

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

**ORDINANCE NO. 2 of 2021**

**An Ordinance Amending and Supplementing the Somers Point  
Municipal Code Chapter 169, Littering and Property Maintenance;  
Article V, Registration and Inspection of Certain Rental Units,  
Apartments and Dwelling Units.**

**WHEREAS**, N.J.S.A. 40:52-1 authorizes a Municipality, by Ordinance, to license and regulate the rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

**WHEREAS**, the City Council of the City of Somers Point recognizes that there exists a growing business for short-term residential rentals available on the internet which certain Somers Point residential property owners are availing themselves to; and

**WHEREAS**, the City Council of the City of Somers Point believes that it is important for purposes of health and safety to license and regulate this new form of business; and

**WHEREAS**, Chapter 169, Article V of the City's Code currently contains ordinances which provide oversight and control of the residential rental units in the City; and

**WHEREAS**, the City Council is desirous of amending and supplementing these ordinances so as to recognize, and to provide oversight of this growing business.

**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:

The Somers Point Municipal Code Chapter 169, Littering and Property Maintenance; Article V, Registration and Inspection of Certain Rental Units, Apartments and Dwelling Units, is hereby amended and supplemented to add the following in the Sections denoted herein:

Section 169-46. Definitions.

**Short-Term Rental**

Any rental unit rented for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere.

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Section 169-47. Registration required; registration certificate; license.

C. Information to be provided in the registration certificate:

...

(13) For all short-term rentals the requirements of Subsection C(8), paragraphs (c), (d) and (i), need not be provided at the time of said registration. However, this information is to be obtained, recorded and maintained in ledger form by said Landlord and supplied to the Code Enforcement Officer of the City of Somers Point, or his/her designee, either upon demand or at the time of the annual inspection of said rental unit as set forth in Subsection B of Section 169-48. The applicant shall also provide on the registration form the maximum number of occupants that will be renting, occupying and/or staying at the property at any one time.

...

G. All short-term rentals, as operating businesses, are also required to obtain a mercantile license as set forth in Chapter 174 of this Code, and in order to maintain said license may not be rented or leased out for a time period of less than two nights.

Section 169-48. Certificate of Occupancy; inspection; fees.

B. (The following language shall be added at the end of this paragraph): For short-term rentals, the aforesaid inspection is not required for changes in occupancy and/or tenancy, but an inspection by the aforementioned representative of the City for the property is required to occur once a year, and shall occur within fifteen (15) days of the application for the property's mercantile license. Failure to have such an inspection conducted shall result in the immediate suspension of the right to lease the premises. The landlord of a short-term rental shall conduct quarterly self-inspection of the property for health and safety purposes using a form issued by the City's Code Enforcement Officer of the City of Somers Point, or his or her authorized designee, which completed forms shall be maintained and kept with the ledger referenced in Subsection C(13) of Section 169-47 of the within Article, and shall be provided to said designated official at the time of the inspection.

Section 169-50. Fees; exceptions.

(The following language shall be added as the last sentence in the first full paragraph): No owner or landlord of a short-term rental shall be required to pay a registration fee as long as they can demonstrate at the time of registration that they hold a current, valid mercantile license for the short-term rental business conducted at the property.

Section 169-51. Occupancy prohibitions.

F. (The following language shall be added at the end of the sentence in this Subsection): In the case of a short-term rental, the 29-day exception referenced herein is not allowed.

**BE IT FURTHER ORDAINED** that should any section, clause, sentence, phrase, provision in these amendments to ordinances be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remain portions of these ordinances.



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

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**Ordinance No. 3 of 2021**

*(Second Reading/ Public Hearing/ Adoption)*

**M/S-** Owen/Ferreri

The ordinance was adopted by a roll call vote of those present with Council Member McGuigan voting no.

Council Member McGuigan stated \$100.00 is too low of a fee.

Council Member McCarrie concurred with Council Member McGuigan and believes the fees should be structured based on the type of property being rented.

The Public Portion was duly opened.

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

**ORDINANCE NO. 3 of 2021**

**An Ordinance Amending and Supplementing the Somers Point  
Municipal Code Chapter 174, Mercantile Licenses; Section 174-4, Fees.**

**WHEREAS**, N.J.S.A. 40:52-1 authorizes a Municipality, by Ordinance, to license and regulate the rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

**WHEREAS**, in recognition of the growing business of short-term, residential rentals in the City of Somers Point, City Council has amended Chapter 169, Article V, of the Somers Point Municipal Code, which deals with the registration and inspection of certain rental units, apartments and dwelling units so as to impose safety and health requirements and regulations on such business operations; and

**WHEREAS**, the City Code currently does not reflect a mercantile fee to be imposed upon such business of operations for short-term, residential rentals; and

**WHEREAS**, the City Council of the City of Somers Point is desirous to set such a mercantile fee so as to offset, in part, the cost of implementing the associated health and safety requirements and regulations imposed by its amendment to Chapter 169, Article V, of the Somers Point Municipal Code.

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**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey that the Somers Point Municipal Code Chapter 174, Mercantile Licenses; Section 174-4, Fees, is hereby amended and supplemented to add the following:

<u>Type of License</u>	<u>Fee</u>
Short Term Rental (Residential Rentals For Less Than 175 Days)	\$100

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

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**Resolutions:**

City Clerk Samuelson read by title only the list of resolutions.

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**Resolution No. 45 of 2021**

M/S- Owen/Ferreri

The resolution was adopted by unanimous vote of those present.

**No. 45 of 2021**

**Subject: A Resolution Amending Resolution 201 of 2020 Approving Participation with the State of New Jersey Safe and Secure Communities Program Administered by the Department of Law and Public Safety, Office of the Attorney General**

**Introduced By: Council President Johnston**

**WHEREAS**, the City of Somers Point previously passed resolution 201 of 2020 making an application to the 2021 Safe and Secure Communities Program (Grant #21-0121); 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 not the State of New Jersey Department of Law and Public Safety, Division of Criminal Justice as noted on the previously passed resolution.

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

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Resolution 201 of 2020 will be amended to reflect that 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:

- 1) The project is a joint effort between the State of New Jersey Department of Law and Public Safety, Office of the Attorney General and the City of Somers Point for the purpose described in the application.
- 2) The Safe and Secure Communities Program Grant #20-0121 is for the period beginning in August 1, 2020 through July 31, 2021.
- 3) The amount of the grant is \$12,621.00 and the cash match by the City of Somers Point is \$237,778.00, for a total project cost of \$250,399.00.
- 4) The City of Somers Point is authorized to accept and does accept this grant award.
- 5) The grant funds of \$12,621.00 are accepted for the purpose described in the grant application.
- 6) 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.

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**Resolution No. 46 of 2021**

**M/S- Dill/Owen**

The resolution was adopted by unanimous vote of those present.

**No. 46 of 2021**

**Subject: Acknowledging and Approving the Hiring of a Full Time Laborer**

**Introduced by: Council Members Dill, Owen and McGuigan**

**WHEREAS**, there existed a need to hire a full time laborer for the Department of Public Works; and

**WHEREAS**, Lee Luddeni has been employed by the City as a part time employee beginning in September 2015, and his full time employment was recommended by the Supervisor of Public Works; and

**WHEREAS**, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

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**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of Lee Luddeni to the full time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective February 1, 2021.

**BE IT FURTHER RESOLVED** that his annual salary is established at \$34,366.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2013, Start Year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

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**Resolution No. 47 of 2021**

**M/S- Ferreri/Dill**

The resolution was adopted by unanimous vote of those present.

**No. 47 of 2021**

**Subject: Acknowledging and Approving the Hiring of a Full Time Laborer**

**Introduced by: Council Members Dill, Owen and McGuigan**

**WHEREAS**, there existed a need to hire a full time laborer for the Department of Public Works; and

**WHEREAS**, Dustin May has been employed by the City as a part time employee beginning in June 2016, and his full time employment was recommended by the Supervisor of Public Works; and

**WHEREAS**, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of Dustin May to the full time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective February 1, 2021.

**BE IT FURTHER RESOLVED** that his annual salary is established at \$34,366.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2013, Start Year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

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**Resolution No. 48 of 2021**

M/S-Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council President Johnston noted this is a correction of a Resolution previously passed.

**No. 48 of 2020**

**Subject: Amending Technical Sub Code Fees Set Forth within Section 100-3B (15) of Chapter 100 “Construction Codes, Uniform” of the Somers Point Municipal Code**

**Introduced by: Council Members Dill, McCarrie and Council President Johnston**

**WHEREAS**, Ordinance No. 22 of 1999 provides that City Council shall by resolution enact and, from time to time, amend standardized fees in accordance with Chapter 100 of the Code of the City of Somers Point; and

**WHEREAS**, these fees were last fixed by Resolution No. 162 of 2020; and

**WHEREAS**, it is the intention of this governing body that the fees be amended as recommended by the City’s Construction Code Official: and

**Now, therefore, it is hereby RESOLVED** that the following fees schedule is established and will supersede any fees set prior to this resolution:

<i>Electric Permit Fee Schedule</i>	
Range	\$ 15.00
Oven	\$ 15.00
<b><i>Surface Unit</i></b>	<b><i>\$ 15.00</i></b>
Dishwasher	\$ 15.00
<b><i>Garbage Disposal</i></b>	<b><i>\$ 15.00</i></b>
Dryer	\$ 15.00
<b><i>Air Conditioner</i></b>	<b><i>\$ 15.00</i></b>
Intercom Panels	\$ 35.00
Swimming Pool/SPA/Hot Tub	\$ 15.00
Swimming Pool Annual Inspection	\$ 75.00
Pool Bonding/Filter/light/Heat	\$ 75.00
<b><i>Storable Pool/Hydro Massage</i></b>	<b><i>\$ 15.00</i></b>
Water Heater	\$ 35.00
Central Air/Oil/Gas Electric	\$ 35.00

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Baseboard Heat	\$	15.00
Thermostat	\$	15.00
Heat Pump	\$	15.00
Pump - Over 1 HP	\$	35.00
Light Standards/Luminaires >8"	\$	15.00
Burglar/Fire Alarms - In New Homes	\$	15.00
Burglar/Fire Alarms - Add-ons to Existing	\$	15.00
<b>Switches, Light, Receptacles, Detectors, and Motors less than 1 HP</b>		
1 to 50	\$	55.00
Each Additional 25 Units	\$	15.00
<b>Motors</b>		
1 to 50 HP	\$	65.00
51 to 100 HP	\$	100.00
Over 100 HP	\$	600.00
<b>Transformers/Generators/Inverters</b>		
1 to 50 Kilowatts	\$	200.00
51 to 100 Kilowatts	\$	150.00
Over 100 Kilowatts	\$	600.00
<b>Service Panels/Subpanels/Entry Cables</b>		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	129.00
<b>Equipment Service/Panel Board/Motor Control Disconnect</b>		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	125.00
Greater than 1,00 amperes	\$	129.00
Temporary Pole	\$	65.00
<b>Photovoltaic Systems</b>		
1 to 50 Kilowatts	\$	65.00
51 to 100 Kilowatts	\$	129.00
Over 100 Kilowatts	\$	64.00
<b>Plumbing</b>		
Fixture/Equipment		Minimum \$65.00
Water Closet	\$	20.00
Urinal/Bidet	\$	20.00
Bathtub	\$	20.00
Lavatory	\$	20.00
Shower	\$	20.00
Floor Drain	\$	20.00
Condensate Drain	\$	20.00

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HVAC Drain Connection	\$	20.00
Sink	\$	20.00
Dishwasher	\$	20.00
Drinking Fountain	\$	20.00
Hose Bib	\$	20.00
Water Heater	\$	90.00
Hot Water Boiler (including backflow)	\$	90.00
Steam Boiler	\$	90.00
Sewer Pump	\$	90.00
Interceptor Separator	\$	90.00
Backflow Preventer	\$	90.00
Grease Trap	\$	90.00
Water Cooled Air Conditioning/Refrigeration	\$	90.00
Sewer Connection	\$	90.00
Water Connection	\$	90.00
Water Lines	\$	90.00
Gas Piping and service connection	\$	90.00
Fuel Oil Piping	\$	90.00
Annual Inspection/Backflow/Cross Connection	\$	90.00
<b>Vent Stacks</b>	<b>\$</b>	<b>25.00</b>
Pool Heaters	\$	90.00
<b>Fire</b>		
Gas and Oil-fired Appliance not connected to plumbing	\$	65.00
Woodstoves, Fire Places, Space Heater, Metal Chimney	\$	65.00
Remanufactured Fireplace/Gas Piping to Appliances	\$	65.00
Independent Pre-engineered System	\$	65.00
Kitchen Exhaust System	\$	65.00
Standpipes	\$	125.00
<b>Sprinkler Heads</b>		
1 to 20 Heads	\$	90.00
21 to 100 Heads	\$	160.00
101 to 200 Heads	\$	300.00
201 to 400 Heads	\$	800.00
401 to 1000 Heads	\$	1,100.00
Over 1000 Heads	\$	1,500.00
<b>Detectors</b>		
Single/Multi-station/Heat/Fire Alarm Systems - Residential		
<b>1 to 12</b>	<b>\$</b>	<b>75.00</b>
Each Additional 25	\$20 per groups of 20	
Special Fire Detection Equipment	\$28 per \$1,000 of Cost	

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Manual Alarm Systems 1 to 4 Zones	\$ 65.00
Each Additional Zone	\$28 per \$1,000 of Cost
<b><i>Tank Installation/Removal</i></b>	<b><i>Residential \$75 Commercial \$180</i></b>
<b>Building Permits</b>	
	Minimum \$65.00
New Construction per Cubic Foot	\$ 0.038
Renovation/Alteration/Repair per \$1,000 of Cost	\$ 34.00
Asbestos Hazzard Abatement	\$ 200.00
Lead Hazzard Abatement	\$ 175.00
Demolition - 1 or 2 family	\$150 per building
Demolition of Accessory Structures	\$ 150.00
<b><i>Demolition of Other Use Groups</i></b>	
4 stories or less	\$ 300.00
5 to 8 stories	\$ 400.00
Over 8 Stories	\$ 500.00
Move a building	\$20 per \$1,000 of cost
<b><i>Sign</i></b>	\$5 per square foot
<b><i>Fences</i></b>	\$20 per \$1,000 of cost
<b><i>State Training Surcharge Fee</i></b>	<b><i>\$.037 per Cubic Feet or \$1.90 per \$1,000 of Cost</i></b>
<b><i>Fee to Reinstate Lapsed Permit</i></b>	50% of Original Permit Fee
<b><i>Bulkhead</i></b>	\$30 per \$1,000 of cost
<b><i>Pilings</i></b>	\$30 per \$1,000 of cost
<b><i>Pools</i></b>	
Aboveground	\$ 150.00
In ground	\$ 250.00
<b><i>Sheds</i></b>	\$0.038 per cubic foot
<b><i>Tents</i></b>	
>900 square feet or 30' in diameter	\$ 250.00
<b>Zoning Permit</b>	
New Home/Addition	\$ 100.00
Associated Fence	\$ 50.00
Commercial	\$ 200.00
<b>Rental</b>	
Registration	\$50.00 Annually
Inspection Fee at Tenant Change	\$ 50.00



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**Resolution No. 49 of 2021**

**M/S- Owen/Bruno**

This resolution was adopted by unanimous vote of those present.

**No. 49 of 2021**

**Subject: Extending the Time Period for Temporary and Limited Expansion of the Operations of Bars/Restaurants to their Outside Areas and Municipal Right of Ways**

**Introduced by: Council President Janice Johnston**

**WHEREAS**, on June 3, 2020, Governor Murphy signed Executive Order No. 150 (2020), which set an effective date of Monday, June 15, 2020 at 6:00 a.m., for all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” to offer in-person service at outdoor areas, subject to provisos; and

**WHEREAS**, on June 11, 2020, this governing body passed Resolution No. 121-2020 which provided a temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

**WHEREAS**, said Resolution held that pending further resolution, the force and effect of the resolution, and all temporary rights set forth therein, were to terminate upon the earlier of either the effective date and time of the State of New Jersey relaxing the provisions of Executive Order 107 relative to its prohibition of on-premises consumption of food or beverages at bars and restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on July 24, 2020; and

**WHEREAS**, on July 23, 2020, this governing body passed Resolution No. 140-2020 which extended until September 14, 2020, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

**WHEREAS**, on September 10, 2020, this governing body passed Resolution No. 151-2020 which extended until October 23, 2020, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

**WHEREAS**, on November 4, 2020, this governing body passed Resolution No. 181-2020 which extended until January 29, 2021, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

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**WHEREAS**, the provisions of Executive Order 107 have still not been fully relaxed relative to indoor dining; and

**WHEREAS**, it is recognized by this governing body that the COVID-19 outbreak, and the restrictions arising therefrom, continue to cause substantial economic suffering and financial hardship for many of the businesses of the City of Somers Point, including bars and restaurants; and

**WHEREAS**, this governing body wishes to again extend the time period for the temporary and limited expansion of the operations of Bars/Restaurants to their outside areas and municipal right of ways.

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of Somers Point that the provisions of Resolution No. 181-2021 are hereby extended until the earlier of either the effective date and time of the State of New Jersey fulling relaxing the provisions of Executive Order 107 relative to its prohibitions regarding on-premises consumption of food or beverages at bars and restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on May 17, 2021, at which time the allowances provided herein shall be rescinded.

**BE IT FURTHER RESOLVED** that the within resolution shall be effective immediately.

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**Resolution No. 50 of 2021**

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

**No. 50 of 2021**

**Subject: A Resolution to Adjourn to Executive Session to Discuss Matters Involving Pending Litigation Relative to the Matter of K-Mart #9463 Tax Appeals for Block 499, Lot 15.03 (250 New Road)**

**Introduced by: Council President Johnston and Councilman McGuigan**

**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 one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on January 28, 2021 during a public meeting to be held commencing at 7:00 P.M, and

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**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 in order for the attorney to exercise his ethical duties as a lawyer.”

The specific topic to be discussed are issues related to settlement negotiations related to the pending tax appeals in the matters of “K-Mart #9463, Tenant/IDA Development Associates, LLC, Owner v. The City of Somers Point,” Docket Nos. 006993-2019 & 004547-2020 for Block 499, Lot 15.03 (250 New Road).

**WHEREAS**, the length of the Executive Session is estimated to be approximately 30 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 immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

**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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7 Above</b>	<b>Cannot be determined at this time.</b>	<b>City Council Approval by Resolution, if any</b>

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**Resolution No. 51 of 2021**  
M/S- Ferreri/Dill

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This resolution was adopted by unanimous vote of those present.

Council President Johnston informed this matter will first be discussed in Executive Session and will be considered once the meeting is reopened to the public.

**No. 51 of 2021**

**Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of K-Mart #9463 regarding Block 499, Lot 15.03, also known as 250 New Road in the City of Somers Point**

**Introduced by: Council President Johnston and Councilman McGuigan**

**WHEREAS**, a Tax Appeal has been filed against the City of Somers Point on behalf of K-Mart #9463, Tenant/IDA Development Associates, LLC, Owner for property located at Block 499, Lot 15.03, commonly known as 250 New Road (hereinafter referred to as “the property”), for the tax years 2019 and 2020 under Docket Numbers 006993-2019 & 004547-2020.

**WHEREAS**, Thomas G. Smith, Esquire, Special Tax Counsel for the City of Somers Point, having appeared before Council and recommended a settlement of the tax appeals for the aforesaid property; and

**WHEREAS**, both the Tax Assessor for the City, Sean Gaskill, CTA, and the City Administrator, Jason Frost, being in agreement on the recommendation of settlement of the above tax appeal matters; and

**WHEREAS**, the taxpayer, by and through its counsel, is in agreement of the settlement of the above tax matter; and

**WHEREAS**, City Council is desirous of settling the above referenced Tax Appeals.

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

1. Thomas G. Smith, Esquire, as Special Counsel for the City in the above tax matters, is hereby authorized to settle the above matters as follows:
  - A. Relative to the appeal for the tax years 2019 and 2020 (Docket Numbers 006993-2019 & 004547-2020), the original tax assessment figure of \$11,397,000 shall be reduced to an assessment figure of \$9,500,000;
  - B. The over payment of taxes for the tax years in question shall be refunded within 120 days of entry of judgment in these matters.
  - C. Interest on the overpayment will be waived by the taxpayer.
2. Thomas G. Smith, Esquire, is hereby authorized to execute, for filing with the Tax Court, the appropriate settlement documents.

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3. This Resolution shall take effect immediately.

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**Resolution No. 52 of 2021**

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

**No. 52 of 2021**

**Subject: Resolution Appointing Members to the Economic Development Advisory Commission**

**Introduced by: Council President Johnston**

**WHEREAS**, Ordinance No. 1 of 2006 authorized the establishment of an Economic Development Advisory Commission; and

**WHEREAS**, Ordinances No. 31 of 2007 and Ordinance 5 of 2014 amended said Ordinance; and

**WHEREAS**, Somers Point City Council ratified in Chapter 20-3 of the City Code that the Economic Development Advisory Commission shall consist of not less than nine nor more than 12 regular members, all appointed by City Council, and all members shall have a term of office of three calendar years, or such lesser period of time as may be caused by the date of appointment, with terms expiring at 11:59 p.m., December 31 of each calendar year. Appointments shall be staggered such that not less than three appointments expire each year, and each year at least three members are to be appointed to full three-year terms.

**WHEREAS**, City Council wishes to appoint Max Slusher with a term expiring December 31, 2021

**NOW, THEREFORE, BE IT RESOLVED** that the Economic Development Advisory Commission consists of the following members:

<u>Term</u>	<u>Regular Members</u>	<u>Expiration of</u>
	Mary Jane Bolden	December 31, 2021
	Glenn Monroe	December 31, 2023
	Greg Sykora	December 31, 2023
	Bob Marshall	December 31, 2023
	Charles Haberkorn	December 31, 2022
	Sue Seckinger	December 31, 2022
	John Helbig	December 31, 2022
	Levi Fox	December 31, 2022
	Max Slusher	December 31, 2021
	Vacancy	December 31, 2023

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<u>Advisory ExOfficio Member(s)</u>	<u>Expiration of Term</u>
Dermont Lloyd	December 31, 2021
John Davidson	December 31, 2021

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**Resolution No. 53 of 2021**

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 53 of 2021**

**Subject: Change Order #1 – 2020 Pump Station Generator Replacements**

**Introduced by: Council Members Dill, Owen and McGuigan**

**WHEREAS**, in accordance with Resolution 129 of 2020 Janney Electrical Contractor Inc. of Estell Manor, New Jersey was awarded the contract for the 2020 Pump Station Generator Replacement Project for the sum of \$ 338,200.00; and

**WHEREAS**, during the course of construction changes were made to reflect as-built quantities; and

**WHEREAS**, the Sewer Utility Engineer has recommended approval of these changes; and

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

Base Contract	\$ 338,200.00
Change order #1 Pump Station 10 (to reflect as-built quantities)	+\$ 19,859.40
Revised Contract Amount	\$ 358,059.40
Total Deduction: \$0    Total Additional: \$ 19,859.40    Net Change: +5.87%	

**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 2020 Pump Station Generator Replacement Project is hereby approved and that the City Administrator is hereby authorized to execute all documents in this regard on behalf of the City.

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## Old Business:

Council Member Dill mentioned the construction work by the gas company throughout town. Engineer Greg Schneider has informed that the contractor will notify the Police Department of any street closures. Council Member Dill also assured the public that the gas company is using a temporary patch on the streets, and they are obligated to restore the streets to the condition they were in prior to their work. This should be done in the spring.

Council President Johnston stated her and Council Member McCarrie have been working to get streetlights fixed. In October there were 49 streetlights out. Currently there are nine lights still out, and the electric company assured her they will be fixed. She also reported there are 12 lights out on the parkway exit and she is working on having those fixed also. She encourages everyone to let her know if they see a streetlight not working. Council President Johnston stated that the Council Committee assignments are posted on the City's website. She also reported Administrator Frost will begin to give a quarterly overview of the budget. This will begin in April and will be done at the first meeting of each quarter.

\*\*\*\*\*

## New Business:

- City Council discussed a possible land swap and vacation of a portion of Miller Lane with Josie Kelly's. City Council and Solicitor Smith concurred to send notices to residents on Miller Lane, Somers Avenue and Delaware Avenue to make them aware before any action is taken on this matter.

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## Discussion of Bills:

Administrator Frost reported a Bill List dated 1/26/21 in the amount of \$228,546.66.

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## Public Portion:

The meeting was duly opened to the public.

Natalie Bailey of 825 Bay Avenue requested flashing stop signs be installed at the intersections of Medical Center Way, New York Avenue and Bay Avenue. Mrs. Bailey also asked for clarification of the Miller Lane proposition.

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Kathleen Lloyd owner of Josie Kelly’s thanked everyone for considering the land swap. She stated that they are very flexible and want to be a good neighbor. She mentioned some of the safety concerns and how this would benefit.

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

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**Recess:**

The Governing Body recessed briefly before going into Executive Session at 8:08 p.m.

**Reconvene:**

Council President Johnston reconvened the Governing Body to Open Session at 8:40 p.m.

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**Payment of Bills:**

**M/S – Dill/Ferreri**

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.

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**Adjournment:**

There being no further business to come before City Council, Council Member Owen moved, Council Member McCarrie seconded and carried to adjourn the meeting at 8:43 p.m.

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Respectfully submitted,

Lucy R. Samuelson, RMC  
Municipal Clerk  
Approved: 2/5/2021