

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

Meeting called to order at 7:00 p.m. by President Johnston with a salute to the flag. Roll call was recorded as follows:

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

Also Present: Mayor Glasser, Administrator Frost, Confidential Assistant to the City Clerk Julianne Cannuscio, City Solicitor Smith, and City Engineer Schneider

Absent: Bruno

Open Public Meetings Act:

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

Council President Johnston held a moment of silence for the victims of the Maine shooting.

Council President Johnston asked for a motion to table Ordinance No. 25 of 2023.

On the motion of Council Member Dill, seconded of Council Member DePamphilis and carried to table Ordinance No. 25 of 2023.

Communications:

None

Mayor's Report:

Mayor Glasser asked everyone to keep those fighting in the Middle East, in their thoughts and prayers. He thanked everyone involved for the success of Horsepower by the Bay and Trunk or Treat and mentioned that on October 31st, Trick or Treating will take place from 6:00 p.m. to 8:00 p.m. Lastly, he stated that the Veterans Day service will be on November 11th at 11:00 a.m. at Patriot's Park.

Administrator's Report:

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Administrator Frost shared an update on the Shared Service Agreement with Egg Harbor Township in regards to the Municipal Utilities Authority.

Solicitors Report:

None

Engineers Report:

City Engineer Schneider reported that the Ocean Avenue Project and the Exton Road, Colwick Drive, Devon Road, and Bala Drive Project are expected to start November 1, 2023.

Committee Reports:

Charles Haberkorn gave the quarterly update on the Economic Development Advisory Commission, where he detailed their strategies for marketing and community outreach.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the Regular Meeting Minutes of 10/12/2023.

Ordinances:

Ordinance No. 24 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Dill/McCarrie

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

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

NO. 24 of 2023

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**AN ORDINANCE CREATING AND ADOPTING A NEW CHAPTER
215, “PUBLIC CONSUMPTION OF CANNABIS, MARIJUANA AND
HASHISH” OF THE SOMERS POINT MUNICIPAL CODE**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of cannabis by adults 21 years of age or older; and

WHEREAS, City Council recognizes that second hand smoke from cannabis use can be both a nuisance and health hazard to the general public; and

WHEREAS, City Council recognizes the importance of protecting its residents of and visitors to the City of Somers Point from the nuisance and health hazards of second-hand cannabis smoke; and

WHEREAS, City Council recognizes the inherently dangerous behavior of consuming cannabis around non-users; and

WHEREAS, for purposes of the public health, safety and welfare, City Council hereby wishes to prohibit the non-consensual exposure to non-users by cannabis use by others.

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 215 of the Code of the City of Somers Point, identified as “Public Consumption of Cannabis, Marijuana, and Hashish,” is hereby created and adopted with the following sections:

§215-1. City Policy, Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish.

The purpose of §215-1 through §215-4 of this Chapter is to regulate conduct in Public Places affecting the public health, safety and general welfare by protecting residents of and visitors to the City of Somers Point from the nuisance and health hazards of second hand cannabis smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of consuming

cannabis around non-users; by protecting the public from nonconsensual exposure to secondhand cannabis smoke and cannabis-related litter and pollution, and, by affirming the family-friendly atmosphere of public areas in the City of Somers Point.

In addition, it is intended to provide an enforcement mechanism for complaints made by private and commercial property owners, tenants, business operators, and their representatives to preclude cannabis consumption on their property, premises, or place of business.

§215-2. Definitions.

CANNABIS

All parts of the plant *Cannabis sativa* L., the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. "Cannabis" does not include: medical cannabis dispensed and administered to registered qualifying patients by qualified personnel in either public or non-public schools; the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant; any other compound, manufacture, salt derivative mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

HASHISH

The resin extracted from any part of the plant *Cannabis sativa* L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

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MARIJUANA

All parts of the plant Cannabis sativa L., the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. "Marijuana" does not include: the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant; any other compound, manufacture, salt derivative mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

§215-3. Restrictions on Public Consumption of Cannabis, Marijuana, and Hashish.

It is unlawful for any person to smoke or otherwise use, ingest or consume Cannabis, Marijuana, and/or Hashish in any City building and adjacent grounds and parking lots, as well as on the following public property: Public Open Space, Playgrounds, Parks, Piers, Beaches, Public Right-of-Way, Athletic and Recreational Areas, Parking Lots, as well as the area of any scheduled public event.

Smoking or otherwise using or consuming Cannabis, Marijuana, or Hashish while on private property without the permission of the owner, tenant, business operator or their representatives shall constitute public consumption and is hereby prohibited.

§215-4. Violations and penalties.

Any such person who shall violate or fail to comply with the provisions of this chapter shall upon conviction, be subject to a minimum fine of \$250 or a maximum of \$1,500 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days as well as such penalties as may otherwise be provided by law.

SECTION 2:

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 3:

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

Ordinance No. 25 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- TABLED

TABLED
No. 25 of 2023

**An Ordinance Amending and Supplementing the Somers Point
Municipal Code Chapter 250 Vehicles and Traffic, Article I General
Provisions, Section 250-31 Schedule VII: Through Streets; and Section
250-32 Schedule VIII: Stop Intersections**

WHEREAS, there has been an increase vehicular traffic in the City of Somers Point in recent years, which has made some of its primary arteries, such as New and Shore Road, more congested; and

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WHEREAS, as a result of same, traffic patterns have shifted with people attempting to find an easier and faster way around the City; and

WHEREAS, Bay Avenue is one of the roadways in the City which has seen an increase vehicular traffic as a result of the shifting of traffic patterns within the City; and

WHEREAS, the speed limit on Bay Avenue between Maryland Avenue and Ocean Avenue is 25 miles per hour; and

WHEREAS, the aforesaid portion of Bay Avenue is an area of approximately nine (9) blocks, which has no stop signs to act as a calming effect on traffic; and

WHEREAS, as a result of a review of Bay Avenue traffic patterns by the City’s Engineer, Gregory Schneider, and in conjunction with input of the Police Chief, Rober Somers, it was determined that the placement of a three-way stop on Bay Avenue at its intersection with Dawes Avenue, would aid as a calming measure for vehicular traffic on this portion of Bay Avenue; and

WHEREAS, City Council, for purposes of public safety, is desirous to make the aforesaid intersection a three-way stop intersection; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement such a three-way stop at the intersection of Bay and Dawes Avenues.

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

SECTION 1:

Chapter 250 Vehicles and Traffic, Article I General Provisions, Section 250-31 Schedule VII: Through Streets, of the Code of the City of Somers Point is hereby amended to reflect that the “limits” of Bay Avenue

shall read as follows: “Between Maryland Avenue and Dawes Avenue;” and then, “Between Dawes Avenue and Ocean Avenue.”

SECTION 2:

Chapter 250 Vehicles and Traffic, Article I General Provisions, Section 250-32 Schedule VIII: Stop Intersections, of the Code of the City of Somers Point is hereby amended to identify the intersection of Bay Avenue and Dawes Avenue as a stop intersection, with a stop sign on Bay Avenue (both sides at intersection with Dawes Avenue); Dawes Avenue (at its intersection with Bay Avenue).

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:

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.

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(First Reading/Introduction)

M/S- Dill/Owen

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

No. 26 of 2023

**AN ORDINANCE VACATING A PORTION OF JEFFERSON AVENUE IN THE CITY
OF SOMERS POINT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

WHEREAS a West Groveland Redevelopment Plan dated April 20, 2022 was prepared by J. Timothy Kernan and Kristin J. Russell of Colliers Engineering & Design for the redevelopment of 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, 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 (the "Redevelopment Property"); 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; and

WHEREAS a Redevelopment Agreement dated February 10, 2023 (the "Redevelopment Agreement") was entered into between the City of Somers Point and Provco Somers Point, LLC (the "Redeveloper"), for the Redevelopment Property to be redeveloped by Redeveloper in accordance with the Redevelopment Plan and consistent with the Redevelopment Agreement; and

WHEREAS the Redeveloper received preliminary and final major site plan approval from the City of Somers Point Planning Board by Planning Board Decision and Resolution PB-5-2023 on May 17, 2023 (the "D&R"); and

WHEREAS the partial vacation of Jefferson Avenue was provided for in Article 3.3.2 of the Redevelopment Agreement, was included in the Redevelopment Plan, and was included as a condition of the approval in the D&R as specified in the Planning Board Engineer's Report dated April 17, 2023 prepared by Paul Kates, PE; and

WHEREAS N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. The portion of Jefferson Avenue described below is an unimproved "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of a public right of way (the "Area to be Vacated").
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved and will no longer be needed for public road purposes once the Redevelopment Project has been completed.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. The property abutting all sides of the portion of the Area to be Vacated to which the title to the right-of-way will revert upon vacation is owned by a single owner, Provco Somers Point, LLC.

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

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SECTION 1. A PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act,"

N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, and State of New Jersey, bounded and described as follows:

BEGINNING at a point where the southeasterly sideline of Jefferson Avenue (a.k.a. 9th Street) (50' Right of Way per Tax Map) intersects the northeasterly sideline of West Groveland Avenue (50' Right of Way per Tax Map), said point being distant 197.09 feet on a bearing of North 56 degrees 42 minutes 19 seconds West from a point where the northeasterly sideline of West Groveland Avenue intersects the northwesterly sideline of New Road (a.k.a. U.S. Route 9) (Variable Right of Way Width per Tax Map), and running, thence;

1. North 56 degrees 33 minutes 48 seconds West through a portion of Jefferson Avenue (a.k.a. 9th Street), a distance of 50.02 feet to a point on the northwesterly sideline of Jefferson Avenue (a.k.a. 9th Street), thence;
2. North 31 degrees 45 minutes 53 seconds East along said northwesterly sideline of Jefferson Avenue (a.k.a. 9th Street), a distance of 99.93 feet to a point on the northeasterly sideline of Jefferson Ave (a.k.a. 9th Street), thence;
3. South 56 degrees 42 minutes 19 seconds East along said northeasterly sideline of Jefferson Ave (a.k.a. 9th Street), a distance of 50.02 feet to a point on the southeasterly sideline of Jefferson Avenue (a.k.a. 9th Street), thence;
4. South 31 degrees 45 minutes 53 seconds West along said southeasterly sideline of Jefferson Avenue (a.k.a. 9th Street), a distance of 100.05 feet to the point and place of BEGINNING.

Containing a calculated area of 4,999 square feet or 0.115 acres.

The above-described property is subject to the rights and restrictions of easements, if any, being within and/or crossing the bounds as described above.

The description above is written in accordance with a plan entitled "Boundary and Topographic Survey, Provco Group, Intersection Improvements, Block 719, Lots 15, 16 & 17 & Block 499, Lot 15.02, New Road (U.S. Route 9) & West Groveland Avenue, City of Somers Point, Atlantic County, New Jersey", prepared by Dynamic Survey, LLC, dated 11/22/2021.

BEING DESIGNATED AS Jefferson Avenue as shown on the Official Tax Map of Somers Point, New Jersey.

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

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B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the City Tax Assessor. Said notices shall be made by certified mail / RRR by the City Clerk to the record owner of:

Block 719, Lots 15, 16 and 17

Provco Somers Point, LLC

795 E. Lancaster Avenue, Suite 200, Villanova, PA 19085

And to:

New Jersey State Dept. of Transportation

1035 Parkway Avenue

Trenton, NJ 08625

Atlantic County Planning Dept.

PO Box 719

Route 9 & Dolphin Ave Northfield, NJ 08225

Atlantic City Electric Real Estate Department

5100 Harding Highway, Suite 399

Mays Landing, NJ 08330-9902

New Jersey Transit Board Office

1 Penn Plaza East

Newark, NJ 07105

Director of Real Estate

New Jersey Transit Board Office

1 Penn Plaza East

Newark, NJ 07105

Section Chief – NJ Division of Law

New Jersey Transit Board Office

1 Penn Plaza East

Newark, NJ 07105

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER

All fees and costs associated with preparation and publication of this ordinance shall be paid by the owner of Block 719, Lots 15, 16 and 17. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Resolutions:

Public Portion Resolutions:

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

Resolution No. 230 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 230 of 2023

**Subject: Chapter 159 Resolution – Local Arts Grant: Somers Point Arts Commission
- Special Project Support**

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received additional grant funds in the amount of \$450 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the for an additional sum of \$450 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Local Arts Grant: SP Arts Commission \$450

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like additional sum of \$450 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Local Arts Grant: SP Arts Commission \$450

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

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Resolution No. 231 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 231 of 2023

Subject: Chapter 159 Resolution – Local Arts Grant: Somers Point Concert on the Beach - Special Project Support

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received additional grant funds in the amount of \$450 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the for an additional sum of \$450 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Local Arts Grant: Concerts on the Beach \$450

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like additional sum of \$450 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Local Arts Grant: Concerts on the Beach \$450

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 233 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill clarified that for this Resolution and Resolution No. 234 of 2023; the new hires are to replace someone in an existing position.

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No. 233 of 2023

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

Introduced by: Council President Johnston

WHEREAS, due to a retirement, there exists a need to hire a full-time laborer for the Department of Public Works; and

WHEREAS, Michael Simmons has been employed by the City as a part time employee beginning on Jun 9th, 2020, 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 Michael Simmons to the full-time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective November 1st 2023.

BE IT FURTHER RESOLVED that his annual salary is established at \$39,864.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2023, Start Year 2 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 234 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 234 of 2023

Subject: Part Time Hiring of Kevin Muller as Electrical Subcode Official

Introduced By: Council President Johnston

WHEREAS, due to a resignation it is necessary for the City of Somers Point to consider the hiring of a Part-Time Electrical Subcode Official in the Municipal Construction 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 Construction Official; and

WHEREAS, the City Administrator and the Construction Official recommend the hiring of Kevin Muller to the part time position of Electrical Subcode Official; and

WHEREAS, adequate funds are available within the Municipal Construction operations in the 2023 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 Kevin Muller to the part time position of Electrical Subcode Official in the Municipal Construction Office, is hereby approved on October 24th, 2023, with an anticipated start date on or about November 1st 2023.
- 2.) He will be compensated at a rate of \$15,000.00 per year plus a quarterly mileage allowance, 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. 235 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 235 of 2023

Subject: Appointment of Consultant to Create a Bayfront Mitigation Plan in Accordance with Flood Mitigation Assistance (FMA) Grant FY 2021 EMN-2021-FM-020-0013 Administered by the Federal Emergency Management Agency

Introduced by: Council Member Johnston

WHEREAS, the City of Somers Point has identified a need for a consultant to develop a Bayfront Mitigation Plan for a twelve-month period; and

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

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

1. Kates Schneider Engineering, LLC, be and hereby is appointed as Consultant to Create a Bayfront Mitigation Plan in accordance with the Flood Mitigation Assistance (FMA) Grant FY 2021 EMN-2021-FM-020-0013 administered by the Federal Emergency Management Agency for the City of Somers Point for the period November 1, 2023 through October 31, 2024, inclusive.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor and/or City Administrator is hereby authorized to execute an agreement with Kates Schneider Engineering, LLC in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S. 40A:11-5.(1)(a)(i) is not required.

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Resolution No. 238 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 238 of 2023

Subject: Authorizing Purchase on Building Supplies on State Contract

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point may by resolution and without advertising for bids purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the City of Somers Point has identified a need to purchase Building Supplies for use by the City’s Public Works Department; and

WHEREAS, the Public Works Supervisor has researched the equipment available and recommends the purchase of Walk-in Building Supplies as provided by Home Depot USA Inc. / The Home Depot Pro, in accordance with State Contract # 18-FLEET-00234: Contract Code M8001 with a Contract Expiration Date of 12/31/2026 and accompanying exhibits, which are attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Home Depot USA Inc. / The Home Depot Pro:

<u>Item</u>	<u>Description</u>	<u>Amount</u>
498	1x6-8' NewTechWood UltraShield Naturale Cortes Solid SKU 1001354050 (\$33.40 ea)	\$16,633.20
150	1x6-16' NewTechWood UltraShield Naturale Cortes Solid SKU 1001354050 (\$66.79 ea)	\$10,018.50
Total.....		\$26,651.70

Home Depot USA Inc. / The Home Depot Pro State Contract # 18-FLEET-00234: Contract Code M8001
Contract Expires 12/31/2026

Consent Agenda Resolutions:

On the motion of Council Member Dill, seconded of Council Member DePamphilis and carried to approve the Consent Agenda Resolutions.

No. 232 of 2023

Subject: Authorizing the City of Somers Point to Cancel an Escrow Agreement

Introduced By: Council President Johnston

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WHEREAS, the per Resolution 53 of 2022 City of Somers Point previously authorized an Escrow Agreement between the City and the applicant Josephine Kelly LLC, and

WHEREAS, the applicant has agreed to pay all of the City costs associated with both the investigation into the vacation and dedication of a portion of Miller Lane, as well as those necessitated to accomplish same, including those incurred from May 1, 2021, to date, and

WHEREAS, the applicant (Josephine Kelly LLC) wishes to abandon their investigation into the vacation and dedication of a portion of Miller Lane, and

WHEREAS, the applicant deposited and initial amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500) to be used towards those costs, and

WHEREAS, the City portion of costs have been deducted and a balance of funds exists, and

WHEREAS, the City is amenable to the cancellation of the existing escrow agreement and the return of the balance of funds, and

NOW, THEREFORE, the City is authorized to cancel the escrow agreement, and

1. The City Council of the City of Somers Point hereby authorizes the Mayor and/or the City Administrator and the City Clerk to sign the Acknowledgement of Release of Escrow between the City of Somers Point and Josephine Kelly LLC for the purpose of cancelling the previously executed Escrow Agreement and to remit payment of the balance of the Escrow Account to Josephine Kelly LLC. The Acknowledgement of Release of Escrow is attached hereto and made a part hereof this resolution.

No. 236 of 2023

Subject: Amending Personnel Policies and Procedures Manual

Introduced by: Council President Johnston

WHEREAS, it is the policy of City of Somers Point (“City”)to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the City is a member of the Municipal Joint Insurance Fund, as well as the Municipal Excess Liability Fund, both of which routinely provide recommendations and guidance to the City of Somers Point relative to the handling of employment issues; and

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WHEREAS, the Municipal Excess Liability Fund has made certain recommendations to the City relative to updating and amending its Personnel Policies and Procedures Manual (“PPPM”); and

WHEREAS, based upon these recommendations, City Council has determined that there is a need to amend the personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with the above referenced laws and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the Personnel Policies and Procedures Manual is hereby amended to include the policies, procedures and forms attached hereto and made a part hereof and to replace the existing policies and procedures that may have previously been adopted as the referenced page number, if applicable, as follows:

<u>PPPM Page Number</u>	<u>Item</u>
I-15	Equal Employment Opportunity/Anti-Discrimination Policy
VII-19-19d	Family and Medical Leave Policy
VII-20-20f	New Jersey Family Leave
VIII-12 to 12g	Drugs and Alcohol Policy
VIII-13 to 13d	Drug Educational Information/Abuse Professionals
VIII-14 to 14a	Acknowledgement Receipt & Refusal Forms
VIII-48-49a	Use of City Property and Vehicles Policy (Non-Law Enforcement)
VIII-62	Americans with Disabilities Act Policy/ New Jersey Pregnant Worker’s Fairness Act
VIII-76	Protection and Safe Treatment of Minors

No. 237 of 2023

Subject: Requesting NJDOT, US Army Corps of Engineers, and United States Coast Guard to Address Navigational Boating Hazard in the Great Egg Harbor Inlet

Introduced By: Council President Johnston

WHEREAS, the Great Egg Harbor Inlet is an important part of the intercoastal waterway and supports recreational, commercial, and transient vessels; and

WHEREAS, the City of Somers Point has received complaints regarding vessels running aground near the vicinity of NJ Intercoastal Water Way marker 250; and

WHEREAS, the lack of depth in the navigation channel is dangerous to vessels utilizing the Great Harbor Inlet; and

WHEREAS, the NJ Department of Transportation, along with the United States Army Corps of Engineers, and United States Coast Guard are responsible for maintaining navigational channels; and

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

- 1.) The City Council of Somers Point requests that NJ Department of Transportation, along with the United States Army Corps of Engineers, dredge the navigational channel in vicinity of NJ Intercoastal Water Way marker 250.

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- 2.) The City Council of Somers Point also requests that the United States Coast Guard relocate NJ Intercoastal Water Way markers to accommodate naturally deep water before dredging can be completed.
- 3.) The City Clerk shall send copies of this Resolution to NJDOT Maritime Resources, United States Army Corps of Engineers, United States Coast Guard, United States Congressman Jeff Van Drew, State Senator Polistina, State Assemblyman Guardian, and State Assemblywomen Swift.

Old Business:

- Council President Johnston stated that the Planning Board found the ordinance regarding the bike rack requirement consistent with the City’s Masterplan subject to their recommendation of having the bike racks accommodate both electric and regular bicycles. City Solicitor Smith shared his suggestions for the bike rack requirements and all present Council Members agreed to move forward with this proposed ordinance.
- Council President Johnston specified that the Planning Board found the proposed Tree Planting Ordinance consistent with the City’s Masterplan. City Council and City Solicitor Smith discussed in detail their thoughts on the requirements for this proposed ordinance and potential modifications. While Council Members McGuigan and Dill are in favor of moving forward with this ordinance, Council Members McCarrie, DePamphilis, and Owen, as well as Council President Johnston, are currently against moving forward with this proposed ordinance.

New Business:

- Approval of Social Affair Permit Applications for Roberts Johnson Post 2189 VFW for an event on 11/17/2023 from 7:00 p.m. to 11:00 p.m. and on 12/1/2023 from 6:00 p.m. to 11:00 p.m.

Discussion of Bills:

Administrator Frost reported a Bill List dated 10/24/2023 in the amount of \$4,659,991.13, a Check Register dated 10/24/2023 in the amount of \$434.99, a Check Register dated 10/20/2023 in the amount of \$889,750.00 and a Check Register dated 10/20/2023 in the amount of \$2,990,539.03.

Public Portion:

Council President Johnston duly opened the meeting to the public.

Ann Marie Gibbs shared her support of the proposed Tree Planting Ordinance.

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John Helbig cleared up misunderstandings and clarified the purpose of the proposed Tree Planting Ordinance.

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

On the motion of Council Member McGuigan, seconded of Council Member Dill and carried to reopen the meeting to the public.

Council President Johnston duly opened the meeting to the public.

Maureen Helbig indicated the need to make speed-limit signs more visible throughout the City.

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

Payment of Bills:

M/S: Dill/Owen

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

Comments from the Governing Body:

Council Member Owen thanked the volunteers and everyone who supported Horsepower by the Bay and Trunk or Treat.

Council Member McCarrie thanked City Administrator Frost for his efforts in securing shared services with other municipalities.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:07 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 11/09/2023