

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 21, 2024**

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: Gerety, Haberkorn, Owen, DePamphilis, McGuigan, Dill, Johnston

Also Present: Mayor Tapp, Administrator Frost, Deputy City Clerk Giampapa, 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.

Council President Johnston asked for a motion to bring Resolution No. 254 of 2024 off the table. On the motion of Council Member Dill, seconded by Council Member Haberkorn and carried to approve bringing Resolution No. 254 of 2024 off the table.

Special Presentation:

- Deputy Safety Coordinator Stephen Hornig updated City Council on the City's safety program.

Communications:

None

Mayor's Report:

Mayor Tapp detailed a potential grant opportunity that would benefit housing projects, rehabilitation and construction of commercial facilities, recreation and infrastructure improvements. He mentioned that there will be a survey and meeting on 12/4/2024 to gain public feedback. Next, he announced that on 12/7/2024 there will be a Pearl Harbor Day ceremony at 1:00 P.M. as well as a Christmas parade at 6:00 P.M. In addition, he mentioned that there will be a breakfast with Santa event at the Somers Point Volunteer Fire Company #2 on 12/8/2024.

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Administrator's Report:
None

Solicitor's Report:

Solicitor Smith informed City Council on the status of the Paddle Club's liquor license and Atlantic Synergy's tax appeal. Lastly, he clarified a mistake in Resolution No. 270 of 2024.

Engineer's Report:

Engineer Schneider reported a received NJ DOT grant for \$343,785.00 for Ambler Road and that a preconstruction meeting was held for the Bala Drive project, with the anticipated start date being mid-December. Next, he mentioned that the DOT grant regarding Resolution No. 254 of 2024 came in within budget. Lastly, he reported that the Shore Rd pedestrian improvement project bids will be received on 12/4/2024 and requested City Council to have a special meeting on 12/06/2024.

Committee Reports:

Council Member Haberkorn provided new walking dates for the We Walk Somers Point group and provided positive feedback on the Wellness Initiative for Senior Education group.

Council Member Owen stated that the Arts Commission will be holding photography classes, given by Dan Myers, at the Senior Center and that the Recreation Commission, in conjunction with the Somers Point Police Athletics-Activities League, are looking into starting a soccer league.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Haberkorn, and carried to approve the Regular Meeting Minutes of 10/24/2024 and Executive Session Meeting minutes of 10/24/2024, approved as to content only and Special Meeting minutes of 11/14/2024.

Ordinances:

Ordinance No. 21 of 2024
(First Reading/Introduction)
M/S- Dill/Owen

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

No. 21 of 2024

**AN ORDINANCE AMENDING SECTIONS 174-1, -2, -3, -4, -5, -6, 10 &
11 OF CHAPTER 174, MERCANTILE LICENSES**

WHEREAS, the City of Somers Point maintains Chapter 174 in the City Code for Mercantile Licenses; and

WHEREAS, City Council has reviewed this Code Section for purposes of updating same, to streamline the operations of the City Clerk’s Office, and in order to establish consistency between this and the registration requirements of Chapter 95 of the City Code (Registration of Businesses); and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the licensing requirements of Chapter 174 would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 174 of the Code of the City of Somers Point is hereby amended as follows:

1. Section **174-1A** is hereby amended by adding “**limited liability companies,**” after the word “copartnerships.”
2. Section **174-2** is hereby amended to add the following as the last sentence of said section: **It is the intention that this ordinance incorporate all business operations identified or referred to in N.J.S.A. 40:52-1 for which the City of Somers Point is authorized to license.**
3. Section **174-3** is hereby amended to identify the existing paragraph as Subsection A, which is to read as follows:
 - A. Application for a license shall be made to the City Clerk of the City of Somers Point, New Jersey, at the same time said business files its business registration pursuant to Chapter 95, Article I of the City Code, and no license shall be granted until the payment for the same has been made. Every license shall specify by name the person to whom it shall be issued, the business for which it is granted and the location at which such business is to be carried on.**
4. Section **174-3** is further hereby amended to add the following Subsections B and C to same:
 - B. Only one license shall be issued per property unless more than one principal business use is allowed by law.**
 - C. Only one license shall be required under the name of the same person for businesses conducted on the same property.**
5. Section **174-4** is hereby amended by deleting it in its entirety and replacing it with the following language:
 - A. The fee for the issuance of all mercantile licenses is hereby incorporated into, and made part of, the business registration fee required in Chapter 95 of the City Code.**

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- B. The due date for payment of fees, and the late fees associated with untimely payments are as set forth in Chapter 95 of the City Code.**
- C. The purpose of the fee imposed for the issuance of a mercantile license herein is to offset administrative costs.**
6. Section **174-5B** is hereby amended to read as follows:
No license certificate shall be issued to any person who has not complied with the laws of the State of New Jersey or the ordinances of the Council of the City of Somers Point, including but not limited to those providing regulations respecting the safety of persons who may have occasion to use the premises, place or things licensed; and in case any person licensed fails to comply with such laws or ordinances after due notice of 10 days and an opportunity to be heard within 30 days thereafter, the Council of the City of Somers Point and/or the City Clerk acting as mercantile tax collector may revoke said license.
7. Section **174-6** is hereby amended to read as follows:
All new businesses must have certification from the Board of Health, Police Department, Building Inspector, Fire Inspector, Electrical Inspector and Plumbing Inspector, as applicable, that said business is not in violation of any ordinance of the City of Somers Point. No license will be issued or reissued to any business declared to be a nuisance or a possible nuisance as a result of violations of the laws of the State of New Jersey or the ordinances of the Council of the City of Somers Point by its Council and/or the City Clerk acting as mercantile tax collector.
8. Section **174-10** is hereby amended to read as follows:
Any person violating any of the provisions of this chapter shall, upon conviction in the Municipal Court of the City of Somers Point, be punished for each offense by a fine not to exceed \$1,000 or imprisonment for a term not exceeding 90 days in the county jail or any place provided by the municipality for the detention of prisoners or community service for a period not to exceed 90 days, or any combination of the foregoing. The Municipal Judge before whom any person is convicted of violating this chapter shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed in this chapter. Each day after the initial violation, should same be continued, shall be considered a new and individual violation.
9. Section **174-11** is hereby amended to read as follows:
Notwithstanding any other provisions of this Code, every business located in the City of Somers Point must adhere to requirements of providing and maintaining updated emergency information as required in Chapter 95 of the City's Code. Any changes to such information should be reported immediately to the City Clerk's Office so that accurate records are maintained in case of an emergency.
10. This ordinance shall take effect as of January 1, 2025.

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(First Reading/Introduction)

M/S- Gerety/Haberkorn

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

No. 22 of 2024

An Ordinance Amending Sections 95-1, -2, -3, -4, And -5 of Chapter 95, Registration of Businesses

WHEREAS, the City of Somers Point maintains Chapter 95 in the Code of the City of Somers Point for the Registration of Businesses; and

WHEREAS, City Council has reviewed this Code Section for purposes incorporating certain provisions of Chapter 94 – Business and Rental Insurance Registration, Chapter 169, Article III – Regulations for Hotels and Motels, and Chapter 174 – Mercantile Licenses into this Chapter, so as to streamline the operations of the City Clerk’s Office, reduce fees and maintain consistency between the registration requirements for Mercantile Licensing and Hotels and Motels; and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the registration requirements of Chapter 95 would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 95 – Businesses, Registration Of, in the Code of the City of Somers Point is hereby amended as follows:

11. The inclusion of the designation of “**Article I – Licensed Occupations**” under the Chapter Title is hereby deleted, and replaced with the designation of “**Article I – General Requirements.**”
12. Section **95-1** is hereby amended to read as follows:
All businesses, including those subject to licensing and regulation under Chapter 169 or Chapter 174 of the Code of the City of Somers Point, shall be subject to the requirements of this chapter.

13. Section **95-2A**, is hereby amended read as follows:

A. **All such businesses shall, before beginning operation of the business and on an annual basis thereafter, complete a registration statement containing the following information:**

- (1) **Name under which the business is to be conducted.**
- (2) **Name and residence address and residence telephone number of the applicant. [If a corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all partners; if an LLC, give the name(s) and addresses of the managing member(s).]**
- (3) **Address and telephone number of the business to be conducted.**

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- (4) **Nature of the business.**
 - (5) **Name and address of registered agent, if applicant is a corporation, and copy of good standing certificate.**
 - (6) **Name and address of the manager or daily supervisor in charge.**
 - (7) **If applicable, a copy of certificate or license issued by State of New Jersey or any governmental agency.**
 - (8) **Any change from previous mercantile use.**
 - (9) **Number of persons employed.**
 - (10) **Days and hours of operation.**
 - (11) **Whether the operation involves any flammable/combustible/hazardous materials, and, if yes, provide MSDS sheets.**
 - (12) **Date of last fire inspection.**
 - (13) **Indication as to whether sprinklers are required.**
 - (14) **If applicable, date of last health inspection and status of same.**
 - (15) **Registration of alarm with Somers Point Police Department.**
 - (16) **Any outstanding zoning or planning violations.**
14. Section **95-2**, is hereby amended to include a Subsection E which shall read as follows:
E. At the time of the filing of the aforesaid registration form, the business shall produce for filing a valid insurance certificate as required by N.J.S. 40A:10A-1 and N.J.S.A. 40A-10A-2.
15. Section **95-3**, Subsection A is hereby amended to shall read as follows:
A. Upon receipt of the initial registration statement for a business, the City Clerk shall refer the statement to the proper officials for the making of appropriate investigations deemed necessary. The Construction Official shall make or cause to be made any such inspections relative to the construction of buildings or other structures. The Zoning Official shall make the appropriate zoning inspection. The Code Enforcement Officer make the appropriate inspection for compliance with the Code of the City of Somers Point. Any defects noted as a result of such investigations or inspections shall be corrected in accordance with the applicable provisions of the Code of the City of Somers Point. For all renewal registrations, there shall be a representation from the Code Enforcement Officer that there are no known or outstanding violations of the Code of the City of Somers Point.

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B. Section 95-4, Subsection A is hereby amended to shall read as follows:

A. There shall be imposed a of \$200 per annum for each registration statement, which shall be due at the time the registration statement is submitted to the City Clerk. In the event the fee is not paid by June 30 of the calendar year, a late fee of \$50 shall be paid in addition to the regular fee. When the applicant has not engaged in the business until after June 30 of the then current calendar year, the fee shall be 1/2 of the full registration fee.

C. Section 95-5, Subsections A and B are hereby amended to read as follow:

- A. All registration statements shall be effective for a one-year period commencing on February 1 and ending on January 31.**
- B. All registration certificates shall be filed with the City Clerk prior to the 15th day of January.**

This ordinance shall take effect as of January 1, 2025.

Ordinance No. 23 of 2024
(First Reading/Introduction)

M/S- Dill/Gerety

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

No. 23 of 2024

An Ordinance Repealing Chapter 94, Entitled “Business and Rental Insurance Registration,” of the City Code

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which required liability insurance for business owners and rental unit owners; and

WHEREAS, this legislation requires that each business and rental unit to annually register a certificate of insurance with the municipality in which the business or rental unit is located; and

WHEREAS, this legislation became effective on November 3, 2022; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, City Council has had the opportunity to review the workings of said ordinance in conjunction with other ordinances currently contained in the City’s Code, and based

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on same, it believes that the requirements of this ordinance can be incorporated into other City Code Sections.

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

16. Chapter 94 – Business and Rental Insurance Registration is hereby repealed.

This ordinance shall take effect as of January 1, 2025.

Ordinance No. 24 of 2024

(First Reading/Introduction)

M/S- Gerety/Dill

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

No. 24 of 2024

An Ordinance Amending Chapter 169, Article V, “Registration and Inspection of Certain Rental Units, Apartment Units and Dwelling Units,” Section 169-47 to Require Liability Insurance for Rental Unit Owners

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which, in part, required liability insurance for rental unit owners; and

WHEREAS, this legislation requires that each rental unit to annually register a certificate of insurance with the municipality in which the rental unit is located; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, Article V of Chapter 169 of the City Code is entitled “Registration and Inspection of Certain Rental Units, Apartment Units and Dwelling Units,” which City Council believes, that for more organizational purposes, is a more appropriate location for the requirement of liability insurance for rental units; and

WHEREAS, City Council has now repealed Chapter 94 of the City Code.

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

1. Section 169-47 of Article V of Chapter 169 is hereby amended to add the following subsections:

M. At the time of the filing of the registration certificate referred to in Subsection A, every owner of a rental unit shall, pursuant to the provisions of N.J.S.A. 40A:10A-1 and -2, register a certificate of liability insurance which provides coverage for the rental units registered. In addition to any other fees required in this Article, an

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administrative fee of \$100 for all such certificates of liability insurance registered herein.

- L. Any owner who fails to comply with the liability insurance registration requirement in Subsection M shall be subject to a fine of not less than \$500 nor more than \$5,000 for each violation.
- 2. This ordinance shall take effect as of January 1, 2025.

Ordinance No. 25 of 2024
(First Reading/Introduction)
M/S- Dill/DePamphilis

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

No. 25 of 2024

An Ordinance Amending Chapter 169, Article III, “Regulations for Hotels and Motels,” to Include Section 169-32, “Liability Insurance”

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which, in part, required liability insurance for all business owners; and

WHEREAS, this legislation requires that each rental unit to annually register a certificate of insurance with the municipality in which the rental unit is located; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, Article V of Chapter 169 of the City Code is entitled “Regulations for Hotels and Motels,” which City Council believes, that for more organizational purposes, is a more appropriate location for the requirement of liability insurance for such business operations; and

WHEREAS, City Council has now repealed Chapter 94 of the City Code.

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

- 1. Section 169-32 of Article II of Chapter 169, previously reserved, is hereby identified as “Liability Insurance,” and which Section shall read as follows:
“At the time of the filing of the registration form as required in §169-28, every owner shall supply the City Clerk with proof of liability insurance as required pursuant to N.J.S. 40A:10A-1 and -2.
- 2. This ordinance shall take effect as of January 1, 2025.

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Ordinance No. 26 of 2024
(First Reading/Introduction)

M/S- Dill/Haberkorn

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

No. 26 of 2024

An Ordinance Amending Chapter 169, Article III, “Regulations for Hotels and Motels,” Section 169-28, “Registration Forms; Filing; Contents,” and Section 169-39, “Fees”

WHEREAS, the City of Somers Point maintains Chapter 169, Article III in the City Code, which is identified as “Regulations for Hotels and Motels;” and

WHEREAS, City Council has reviewed this Code Section for purposes of updating same, to streamline the operations of the City Clerk’s Office, and in order to establish consistency between it and the City Code Sections on Mercantile Licenses (Chapter 174) and Business Registrations (Chapter 95), as well as for setting fees for inspections and registrations; and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the registrations process as well as to the fees required of Chapter 169, Article III would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 169, Article III of the Code of the City of the City of Somers Point is hereby amended as follows:

17. The first paragraph of **§169-28** shall be replaced with the following language:

As authorized by N.J.S.A. 40:48-2.12c, and pursuant to Chapters 95 and 174 of the Code, all hotels and motels shall be registered as provided herein. Every owner shall file with the City Clerk of the City of Somers Point a completed registration form in a form to be provided by the City. For the year, 2025, every owner shall file such form annually within 30 days of the anniversary date of the original filing. Thereafter, such registration form shall be filed no later than January 31 of each calendar year. The filing of such form, and payment of the fee for same, shall constitute adherence to the businesses’ obligations under Chapters 95 and 174 of the Code. The registration form shall include but need not be limited to the following information:

18. Section **169-39** of Article III of Chapter 169, identified as “Fees,” is hereby repealed and replaced with the following language:

A. The fee for filing the registration form required in §169-28, and the proof of liability insurance required in §169-32, shall be the same as the business registration fee required in Chapter 95 of the Code, and which shall also constitute the payment of the fee for the business’ mercantile license required in § 174-2 of Chapter 174 – Mercantile Licenses of the Code.

B. The failure to pay the aforesaid filing fee by June 30 of the calendar year shall result in a late fee of fifty dollars (\$50.00).

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C. The fee for the annual inspection for a certificate of occupancy shall be thirty dollars (\$30.00) per unit.

D. The fee for any reinspection as a result of a violation shall be ten dollars (\$10.00) per unit.

19. This ordinance shall take effect as of January 1, 2025.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

John Helbig of Somers Point asked for clarification on Resolution No. 273 of 2024 and reasoning for the City's involvement.

Michael Lario, Esq. of Nehmad Davis & Goldstein, on behalf of LBH LLC, discussed the contents of a letter sent to City Council regarding a pending application for a 5-year tax abatement.

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

Resolution No. 254 of 2024

M/S- Gerety/Owen

This resolution was adopted by unanimous vote of those present.

No. 254 of 2024

Subject: Awarding Bid for the FY 2023 Municipal Aid – Reconstruction of Ocean Avenue –Phase II

Introduced by: Council Member Dill

WHEREAS, on November 1, 2024, the City of Somers Point received bids for the FY 2023 Municipal Aid – Reconstruction of Ocean Avenue Phase II; and

WHEREAS, Arawak Paving Co., Inc, of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc, of Hammonton, New Jersey in the amount of \$273,900.00; and

WHEREAS, the NJDOT Local Aid Office must also concur with this resolution awarding a contract to Arawak Paving Co., Inc, of Hammonton, New Jersey in the amount of \$273,900.00.

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

- 1.) The Contract for the FY 2023 Municipal Aid – Reconstruction of Ocean Avenue Phase II is hereby awarded to Arawak Paving Co., Inc, of Hammonton, New Jersey in the amount of \$273,900.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc, of Hammonton New Jersey signing on behalf of the City.
- 3.) The Mayor and City Clerk are hereby authorized and directed to sign all necessary forms required by NJDOT.

Resolution No. 257 of 2024

M/S- Gerety/Dill

This resolution was adopted by unanimous vote of those present.

No. 257 of 2024

Subject: 2024 Best Practices Inventory

Introduced by: Council President Johnston

WHEREAS, the State of New Jersey Division of Local Government Services has developed a Best Practices Inventory to be completed by each municipality; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting in order to ensure that local officials have been apprised of the response; and

WHEREAS, the City Clerk must certify that the governing body has reviewed the completed Best Practices Inventory at a public meeting; and

WHEREAS, the completed Best Practices Inventory and required certification are attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges receipt of and discussion of the 2024 Best Practices Inventory.

Resolution No. 258 of 2024

M/S- Gerety/Dill

This resolution was adopted by unanimous vote of those present.

Council Member Haberkorn emphasized his support for the DeFeo Lane Environmental and Interpretive Trail project.

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No. 258 of 2024

Subject: Chapter 159 Resolution – Sustainable Communities Environmental Stewardship – DeFeo Lane Environmental and Interpretive Trail Project

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 a grant in the amount of \$5,000 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 2024 in the sum of \$5,000 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:

Sustainable Jersey and Atlantic City Electric -DeFeo Ln Project \$5,000

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$5,000 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:

Sustainable Jersey and Atlantic City Electric - DeFeo Ln Project \$5,000

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

Resolution No. 259 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 259 of 2024

Subject: Chapter 159 Resolution – 2025 Neighborhood Preservation Program

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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 a grant in the amount of \$37,500 and wishes to amend its 2024 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 2024 in the sum of \$37,500 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:

2025 Neighborhood Preservation Program \$37,500

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$37,500 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:

2025 Neighborhood Preservation Program \$37,500

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

Resolution No. 260 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 260 of 2024

Subject: Authorizing Agreement with Fred W. Cottrell, Jr.

Introduced By: Council Members Dill, McGuigan and Haberkorn

WHEREAS, after long and dedicated service to the City of Somers Point, Public Works Laborer - Fred W. Cottrell, Jr., retired from the Somers Point Public Works Department effective October 31st 2024; and

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WHEREAS, upon retirement Fred W. Cottrell, Jr. is entitled to certain items, payments, and benefits in accordance with the Collective Bargaining Agreement between the City of Somers Point and Teamsters Union Local No. 115 agreement effective January 1st, 2023 (Res 109 of 2023); and

WHEREAS, the City of Somers Point has determined that Fred W. Cottrell, Jr. will have an accumulated, reimbursable total of 170.33 days of unused sick leave and 42.37 days of unused vacation leave; and

WHEREAS, Fred W. Cottrell, Jr.'s last regular day of work was October 31st 2024, and he received his last regular pay on October 18th 2024; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Fred W. Cottrell, Jr., the City of Somers Point has tendered Fred W. Cottrell, Jr., a lump-sum payment for unused sick leave and unused vacation leave in retirement as defined in that agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the City Administrator to provide all rights and entitlements to Fred W. Cottrell, Jr. as enumerated in the agreement effective January 1st, 2023 between the City of Somers Point and Teamsters Union Local No. 115 (Res 109 of 2023) retroactive to October 31st, 2024.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point congratulates Fred W. Cottrell, Jr. and wishes him the best of luck in his retirement.

Resolution No. 261 of 2024

M/S- Dill/DePamphilis

This resolution was adopted by unanimous vote of those present.

No. 261 of 2024

Subject: Hiring a Full-Time Public Safety Telecommunicator

Introduced By: Council Members Dill, McGuigan and Haberkorn

WHEREAS, there exists a need to hire a full-time Public Safety Telecommunicator; and,
WHEREAS, Chief Robert Somers has determined that there is a public safety need within the Police Department to hire one Public Safety Telecommunicator due to a recent resignation; and

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

WHEREAS, among other qualifications, Jacob Bell has worked in the City's Police Department as a Part-Time Telecommunicator beginning January 30th, 2024; and

WHEREAS, Mayor Dennis Tapp and Police Chief Robert Somers have recommended that Jacob Bell be appointed to the full time position of Public Safety Telecommunicator.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Jacob Bell is hereby appointed to the position of full time Public Safety Telecommunicator Trainee, Civil Service Title Code 01296, retroactive to an effective date of October 15th, 2024.

BE IT FURTHER RESOLVED that, beginning on the date of her full-time employment, Jacob Bell shall be paid the annual salary of \$35,250 in accordance with Level 1 in Salary Schedule C, For Dispatchers Hired on or After July 1, 2012, in the contract between the City of Somers Point and PBA Local#77.

Resolution No. 262 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 262 of 2024

Subject: Authorizing Purchase of Playground Equipment Through the Educational Services Commission of New Jersey (ESCNJ) National Cooperative Purchasing Program for Contract #24/25-01 , Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment And Related Products, for the Somers Point Public Works Department

Introduced By: Council President Johnston

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

WHEREAS, the Educational Services Commission of New Jersey has acted as lead agency and awarded Contract Number #24/25-01 & #24/25-03 #65MCESCCPS, Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment and Related Products; and

WHEREAS, the City’s Recreation Department has multiple pieces of Playground Equipment which are becoming increasingly cost prohibitive to maintain and past their useful life located at the John F. Kennedy Park; and

WHEREAS, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Educational Services Commission of New Jersey Contract Number #24/25-01 & #24/25-03 #65MCESCCPS, Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment and Related Products, and have determined that the acquisition of Playground Equipment as the functional economic solution to replace the City of Somers Point’s aging Playground Equipment at the John F. Kennedy Park; and

WHEREAS, it is recommended that City Council approve the disposition of the derelict playground equipment and acquisition of the below referenced Playground Equipment for the Recreation Department for use at the John F. Kennedy Park.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, the referenced Playground Equipment purchased from Ben Schaffer Recreation, PO BOX 844, Lake Hopatcong NJ 07849 in accordance with the Educational Services Commission of New Jersey

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contract term for Contract Number #24/25-01 & #24/25-03 #65MCESCCPS, Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment and Related Products, contract for use by the Recreation Department as follows:

Somers Point JFK Park– Playground Equipment & Misc Surface as follows:

As requested, we are pleased to quote the following using Bid #: ESCNJ 24/25-01; Co-op #65MCESCCPS:

ITEM# / DESCRIPTION	VENDOR	QTY	RATE	AMOUNT
PROJECT Ages 2-5 Play Structure, Borders and Custom Sign	BCI Burke Company, LLC	1.00	\$26,767.00	\$26,767.00
BCMA Custom configuration, material add-on Coastal Package	BCI Burke Company, LLC	8.00	\$100.00	\$800.00
DISCOUNT	BSR	1.00	(\$1,378.35)	(\$1,378.35)
INSTALL Standard installation of above items to manufacturer's specification	BSR	1.00	\$12,714.33	\$12,714.33
MHL Man-Hour Labor (not covered as part of standard installation costs) Demo existing structure	BSR	29.00	\$125.00	\$3,625.00
MHL Man-Hour Labor (not covered as part of standard installation costs) Install through existing ewf	BSR	26.00	\$125.00	\$3,250.00
RECEIVE Receive/Unload/Transport Delivery. Cost per man-hour.	BSR	7.00	\$125.00	\$875.00
FREIGHT	BSR	1.00	\$1,809.46	\$1,809.46
Somers Point - JFK Playground Subtotal.....				\$48,462.44

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"As requested, we are pleased to quote the following using Bid #: ESCNJ 24/25-03; Co-op #65MCESCCPS:"

ITEM# / DESCRIPTION	VENDOR	QTY	RATE	AMOUNT
DGLD0-100-N-ESCNJSB Mechanically Engineered Wood Fiber Safety surfacing Material Per Cubic Yard - 100+ - Does not include delivery or install	Brad Cosh Landscape & Supply LLC	60.00	\$18.00	\$1,080.00
GEO-ESCNJSB Geo Textile Fabric Per sq. ft. 1 Roll	Brad Cosh Landscape & Supply LLC	500.00	\$0.50	\$250.00
SPD-DIS-ESCNJSB Site Preparation/Demolition Install wood fiber and liner	BSR	5.00	\$540.00	\$2,700.00
FREIGHT Freight	BSR	1.00	\$986.20	\$986.20

Somers Point - JFK Playground Surface Subtotal..... \$5,016.20
Somers Point - JFK Playground Project Total..... \$53,478.64

*Total Amount of Educational Services Commission of New Jersey Contract Number #24/25-03 #65MCESCCPS , Playground Equipent, Site Furnishings, Outdoor Circuit Training Equipment and Related Products.

Resolution No. 263 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 263 of 2024

Subject: Authorizing the Chief Financial Officer to Cancel Grant Balance

Introduced By: Council President Johnston

WHEREAS, the Chief Financial Officer has completed a review of the Grant Fund; and
WHEREAS, as a result of the review, the Chief Financial Officer recommends that the following balance be canceled from the Grant Fund general ledger, subject to whatever modifications may be necessary as a result of activity in those accounts occurring on or before December 31, 2024:

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<u>Description</u>	<u>Cancel</u>	<u>Cancel</u>
<u>Grants Receivable</u>		
NJDOT CMAQ Bike Path Enhancements	\$ 47,239.00	
<u>Appropriated Reserves</u>		
NJDOT CMAQ Bike Path Enhancements		\$ 47,239.00
NJOEM Exton Rd Pump Station		\$ 26,521.87
2023 Safe and Secure Grant		\$ 51,191.11
2023 Local Arts Grant: Arts Commission		\$ 85.98
	\$47,239.00	\$125,037.96

To Current Fund Balance: \$77,798.96

Resolution No. 264 of 2024

M/S- Dill/DePamphilis

This resolution was adopted by unanimous vote of those present.

No. 264 of 2024

Subject: Budget Appropriation Transfer

Introduced by: Council President Johnston and Council Members McGuigan and Dill

WHEREAS, N.J.S. 40A:4-1 et.seq. allows the Governing Body to make budget appropriation transfers after November 1st of the budget year to expend for any of the purposes specified in the budget an amount in excess of the respective sums originally appropriated therefor, provided that the resolution is adopted by not less than a two-thirds vote of the full membership thereof.

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 2024 budget transfer as specified in this resolution.

Current Fund

From:

Utilities: Diesel Fuel	4-01-31-447-274	\$10,000
Utilities: Natural Gas	4-01-31-446-279	\$10,000
Utilities: Electric	4-01-31-430-275	\$10,000
Dept. of Tax Collection S+W	4-01-20-145-101	\$10,000
Dept. of Public Works	4-01-26-300-101	\$10,000
Group Health Insurance	4-01-23-220-284	\$64,000

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To:

Utilities: Water	4-01-31-445-281	\$15,000
Utilities: Street Lighting	4-01-31-435-276	\$16,000
Utilities: Telephones	4-01-31-440-278	\$38,000
Vehicle Maintenance	4-01-26-315-200	\$30,000
Dept. of Public Works	4-01-26-300-200	\$ 5,000
Dept. of Sanitation	4-01-26-305-200	\$ 5,000
Dept. of Recreation Facilities	4-01-28-375-200	\$ 5,000

Resolution No. 265 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 265 of 2024

**Subject: A Resolution Approving a Short-Term Tax Exemption Application
For 2 Woodlawn Avenue**

Introduced By: Council President Johnston

WHEREAS Somers Point City Council enacted Ordinance 15 of 2015, which was entitled “An Ordinance Providing For the Implementation in the City of Somers Point of the “Five Year Tax Exemption or Abatement Law” Pursuant to NJSA 40A:21-1, et seq.; and

WHEREAS the intended purpose of Ordinance 15 of 2015 was as follows:

- (1) Promote the improvement, rehabilitation and/or construction of single-family residential dwelling, multiple-family dwellings, cooperatives and condominiums, commercial structures, industrial structures and mixed-use structures within the City of Somers Point.
- (2) Improve property values.
- (3) Foster civic beauty.
- (4) Protect and enhance the City's attractions to residents, tourists and visitors and to serve as a support and stimulus to business and industry.
- (5) Assist and encourage property owners and prospective purchasers in to achieve the goals established by the City Council and City Planning Board through adoption of the City's Vision Plan and Master Plan; and

WHEREAS on December 5, 2019, Somers Point City Council passed Ordinance 16 of 2019 readopting the content of Ordinance 15 of 2015, and extending the Five-Year Tax Abatement program through December 31, 2024; and

WHEREAS on or about September 30, 2024, the owner of 2 Woodlawn Avenue (Block 2142, Lot 2), Jamie Slawski (“Owner”) submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption and/or Abatement on NJ Form E/A-1 (the “Application”) as required by law and ordinance; and

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WHEREAS said application was submitted timely after completion of the construction on said property; and

WHEREAS the Tax Assessor has completed her review of the Applications and has submitted the attached report to the Somers Point City Council, which shows the annual tax payments to be made for the property commencing upon the implementation of the Five-Year Tax Exemption which includes payment of the full Land Assessment and the phase-in of the Improvement assessment; and

WHEREAS the Somers Point City Council has determined that the construction project of the Owners meets the intended purposes of Ordinance 15 of 2015 and Ordinance 16 of 2016, and that their Application For Five-Year Exemption and/or Abatement was made in good faith; and

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Somers Point that the Tax Assessor shall proceed to implement the Five-Year Tax Exemption procedure set forth in the Somers Point Municipal Code Chapter 228 for the Owner’s property located at 2 Woodlawn Avenue.

Resolution No. 266 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 266 of 2024

**Subject: Approval of Short-Term Tax Exemption Application for Sunset Avenue
Redevelopment LLC**

Introduced By: Council President Johnston

Whereas the Somers Point City Council enacted Ordinance 14 of 2021 which became effective on December 22, 2021; and

Whereas Ordinance 14 of 2021 approved adoption of a Redevelopment Plan for property situated within Block 1214, Lots 9, 10, 11, 12 & 16, currently known as Lots 10.01, 11.01, 11.02, 12.01, 12.02, 16.01 through 16.06 within Block 1214 (the “Subject Property” within the “Sunset Avenue Redevelopment Plan”); and

Whereas on April 28, 2022, the Somers Point City Council by Resolution 98 of 2022 authorized the execution and delivery of a Redevelopment Agreement between the City of Somers Point and Sunset Avenue Development LLC and designated Sunset Avenue Development LLC as the Redeveloper of the property described within the Sunset Avenue Redevelopment Plan (the “Redeveloper”); and

Whereas the Redevelopment Plan and the Redevelopment Agreement provided for a two-phase development including both an overflow parking lot for the exclusive use by residents of the existing Bayview Court Apartments located at 555 Shore Road, and construction of twelve single family duplex residential units located along Sunset Avenue; and

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Whereas an essential element of both the Sunset Avenue Redevelopment Plan and the Sunset Avenue Redevelopment Agreement provided for a short-term tax exemption agreement applicable to the twelve residential units; and

Whereas Article 6.2 of the Redevelopment Agreement set forth the terms and conditions of the short-term tax exemption (the “Five Year Tax Exemption”) which follows the requirements of the New Jersey Five Year Tax Exemption and Abatement Law (NJSA 40A:21-1 et seq) and of the Somers Point Municipal Code Chapter 228; and

Whereas the Redeveloper has obtained preliminary and final site plan approval for the Subject Property which included subdivision a portion of the Subject Property into twelve separate lots, one for each of the twelve residential units; and

Whereas the approved subdivision plat plan was recorded in the office of the Atlantic County Clerk on April 26, 2023, as Instrument # 2023020359 in Volume 903; and

Whereas a certified copy of the recorded subdivision plat was submitted to the Somers Point Tax Assessor and the Somers Point Tax Assessor has revised the tax records and tax map to designate the subdivided lots as Lots 10.01, 10.02, 11.01, 11.02, 12.01, 12.02 and 16.01 through 16.06 within Block 1214 and had established the land assessment for each such lot for real estate tax purposes; and

Whereas the Redeveloper has submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption And/Or Abatement on NJ Form E/A-1 (the “Application”) as required by statute and ordinance; and

Whereas the Somers Point Construction Official has determined that four (4) of the residential properties which are subject to a filed Application, have reached “substantial completion,” which is a condition precedent to implementing the Five-Year tax exemption; and

Whereas the Tax Assessor has completed her review of the Applications and has submitted a report to the Somers Point City Council; and

Whereas the Redeveloper has paid both the Application fees for the four (4) substantially complete properties, as well as the required Residential Development Fee which is to be deposited into the City's Affordable Housing Trust Fund; and

Whereas the Tax Assessor has provided to the City Council the spread sheet which shows the annual tax payments to be made for each property commencing upon the implementation of the Five-Year Tax Exemption which includes payment of the full Land Assessment and the phase-in of the Improvement assessment; and

Whereas the Somers Point City Council has determined that the Redeveloper has completed the construction of four (4) residential units within the time period set forth in the Construction Schedule and has satisfied all other conditions precedent to implementation of the Five-Year Short-Term Tax Exemption as set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement for this one (1) residential unit; and

Whereas, as provided in the Redevelopment Agreement and as set forth in Somers Point Municipal Code Section 228-16A(3), all tax abatement applications are to be approved by a Council resolution:

Now, therefore, it is hereby resolved by the Common Council of the City of Somers Point that:

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1. The conditions precedent to approval set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement have been satisfied for four (4) of the units; and
2. The Tax Assessor shall proceed to implement the Five-Year Tax Exemption following procedure set forth in the Somers Point Municipal Code Chapter 228 and the Redevelopment Agreement for below identified property:
 - 541 Sunset Avenue (**Block:** 1214 **Lot:** 10.01)
 - 539 Sunset Avenue (**Block:** 1214 **Lot:** 10.02)
 - 537 Sunset Avenue (**Block:** 1214 **Lot:** 11.01)
 - 535 Sunset Avenue (**Block:** 1214 **Lot:** 11.02)
3. The Five-Year Tax Exemption shall continue during the five-year term subject to this property owner's compliance with the provisions set forth in the Somers Point Municipal Code Chapter 228.

Resolution No. 267 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 267 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING POTENTIAL LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on November 21, 2024, during a public meeting to be held commencing at 7:00 P.M, an

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.

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

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

Advice of Counsel and attorney-client communication regarding potential litigation in connection with the Tax Abatement Application of LBH, LLC; 101 E. Maryland Ave.; Block 910, Lot 1; Somers Point, NJ

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

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

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

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

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

Resolution No. 268 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 268 of 2024

Subject: Authorizing the City’s Assessor and Tax Counsel to Prosecute Matters at the Tax Board and in the Tax Court

Introduced by: Council President Johnston

WHEREAS, the City Tax Assessor, pursuant to N.J.S.A. 54:4-23, is obligated to set the assessment of all properties in the City of Somers Point based on his or her

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determination of value as of October 1, each year; and
WHEREAS, at times, the City Tax Assessor may not have sufficient information on the value of such property as of the date the books are set for the City; and

WHEREAS, the City Council of Somers Point recognizes that, at times, the City Assessor may need to have a claim made to increase an assessment, be either at the Tax Board or Tax Court level.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the City Tax Assessor and the City’s Tax Counsel are hereby authorized to file and prosecute claims before the Atlantic County Tax Board and the Tax Court of New Jersey.

Resolution No. 269 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 269 of 2024

Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of Atlantic Synergy Group, LLC, Regarding Block 2021, Lot 1.05, also known as 500 Mays Landing Road in the City of Somers Point

Introduced by: Council President Johnson

WHEREAS, a Tax Appeal has been filed on behalf of Atlantic Synergy Group, LLC, for its property located at Block 2021, Lot 1.05, commonly known as 500 Mays Landing Road (hereinafter referred to as “the property”), for the tax years 2021 through 2023 under Docket Numbers 002987-2021, 005268-2022, & 006412-2023.

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, Jen Dowe, 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 these matters as follows:

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- A. Relative to the appeal for the tax years 2021 through 2023, having Docket Numbers 002987-2021, 005268-2022, & 006412-2023, the original tax assessment figure of \$1,028,500 shall be reduced to an assessment figure as follows:
 - 2021-\$828,500
 - 2022-\$828,500
 - 2023-\$978,500
 - B. The overpayment shall be credited to the first quarter taxes for 2025, unless the property is sold prior to the due date of the first quarter taxes if 2025. In that case, the overpayment shall be refunded within 30 days of said due date.
 - C. Interest on the overpayment will be waived by the taxpayer.
 - D. The “Freeze Act” shall not apply to the 2023 Judgment.
- 2. Thomas G. Smith, Esquire, is hereby authorized to execute, for filing with the Court, the appropriate settlement documents.
 - 3. This Resolution shall take effect immediately.

Resolution No. 270 of 2024

M/S- Gerety/Dill

This resolution was adopted by unanimous vote of those present.

No. 270 of 2024

Subject: Part Time Hiring of Fire Subcode Official

Introduced By: Council Members Dill, McGuigan and Haberkorn

WHEREAS, due to a retirement it is necessary for the City of Somers Point to consider the hiring of a Part-Time Fire 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 Don Dunleavy to the part time position of Fire Subcode Official; and

WHEREAS, adequate funds are available within the Municipal Construction operations in the 2024 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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- 4.) The hiring of Don Dunleavy to the part time position of Fire Subcode Official in the Municipal Construction Office, is hereby approved on November 21st 2024, and will be retroactive to a start date of about November 2nd 2024.
- 5.) 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.
- 6.) This is an “at will” employment and is subject to the personnel policies and procedures of the City of Somers Point.

Resolution No. 271 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 271 of 2024

Subject: Chapter 159 Resolution – NJDOT Ambler Road Phase I

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 a grant in the amount of \$343,785 and wishes to amend its 2024 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 2024 in the sum of \$343,785 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:

NJDOT Ambler Road Phase I \$343,785

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$343,785 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:

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NJDOT Ambler Road Phase I

\$343,785

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

Resolution No. 272 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 272 of 2024

Subject: Approving Proposals – Goods and Services 2024

Introduced By: Council President Johnston

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 by March 7th 2024, and November 15th 2024 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of March 1st, 2024 to February 29th, 2025:

a) Alarm, Monitor, Networking and Ancillary Parts, Installation and Service

Priority Protection Services LLC

b) Audio Visual Services

Atlantic Media Productions

c) Concrete and Masonry Service and Miscellaneous Construction

Landberg Construction

Ocean Construction

d) City Hall Custodial Services

Offshore Carpet Cleaning and Janitorial

e) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Incorporation

Ocean Construction

f) Gate Equipment Maintenance and Operations

B&B Parking Inc (DBA Park Place Parking)

g) Hardware/ Auto Supplies

Val-U Auto Parts

h) Heavy Duty Truck Mechanic Services

Clegg's Garage Incorporation

Gentilini Ford

i) Marketing Services

Performance Marketing

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- j) Misc. Employee Uniforms**
Action Uniform
- k) Misc. Fire Fighting Equipment**
Continental Fire & Safety Inc
- l) Metal Fabrication and Repair**
Hotfoil-EHS Inc.
- m) Office Supplies**
W.B. Mason
- n) Public Safety Supplies and Services**
Enforsys Police Systems Inc
Municipal Emergency Services
Tactical Public Safety
- o) Sewer Pump Station Maintenance**
Robert A. Sanders Jr
- p) Roofing Repair and Maintenance**
Dorothy Gale Roofing
- q) Video Cleaning and Maintenance**
Mobile Dredging and Video Pipe
- r) Auto Mechanic**
Galloway Auto and Tire
- s) Painting Contractor Services**
Primetime Painting

Resolution No. 273 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 273 of 2024

Subject: A Resolution Authorizing the Mayor to Execute an Escrow Agreement for Repair Work Between the City of Somers Point and W. Maryland, LLC

Introduced by: Council President Johnston and Council Member Dill

WHEREAS, W. Maryland, LLC (the “LLC”) is the owner of certain real property in the City of Somers Point, Atlantic County, New Jersey, designated on the municipal tax map of Somers Point as Block 914, Lot 1 (the “Property”); and

WHEREAS, the LLC has obtained approval from the City of Somers Point Zoning Board of Adjustment to develop the Property with an approximately 10,164 sq. ft. contractors’ warehouse with related site improvements (the "Development"); and

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WHEREAS, Somers Points owns the wooded property located next to the Property and designated on the municipal tax map of Somers Point as Block 1016, Lot 12 (“City Property”); and

WHEREAS, as a condition of the approval memorialized in Resolutions ZB-11-2023 and ZB-7-2024, the LLC has agreed to repair and/or replace the portion of the chain link fence currently located on the shared property line between the Property and the City Property to the satisfaction of the City of Somers Point’s City Council (hereinafter “Council”); and

WHEREAS, City Council wishes to enter into an agreement between the City of Somers Point and the LLC which will set forth the obligations of the two parties relative the aforesaid fence repair and/or maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the City’s Mayor, Dennis Tapp, is hereby authorized to execute the escrow agreement attached hereto as Attachment “A,” which document sets forth the obligations between the City of Somers Point and the W. Maryland, LLC, in connection with the conditions of the approval memorialized in Resolutions ZB-11-2023 and ZB-7-2024 of the City of Somers Point’s Zoning Board.

Old Business:

None

New Business:

Administrator Frost discussed a Letter of Intent regarding the need for two trash trucks going into the next year. He relayed his concerns about the budget for this and requested approval from the Council to send a Letter of Intent to the vendor.

Discussion of Bills:

Administrator Frost reported a Bill List dated 11/19/2024 in the amount of \$428,082.62, and a Record of Payment dated 11/19/2024 in the amount of \$2,495,942.35.

Public Portion:

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

Payment of Bills:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 21, 2024**

M/S: Dill/Haberkorn

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

Comments from Governing Body:

Council Member Owen mentioned that the hospital will have a tree lighting ceremony on 12/05/2024 at 5:00pm.

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:50 p.m.

Reconvene:

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

Adjournment:

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

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 12/12/2024