

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
November 9, 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:** Bruno, 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

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**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.

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Council President Johnston asked for a motion to pull Ordinance No. 26 of 2023 and Resolution No. 243. On the motion of Council Member McCarrie, seconded of Council Member Dill and carried to pull Ordinance No. 26 of 2023 and Resolution No. 243 of 2023.

Council President Johnston asked for a motion to pull Ordinance No. 28 of 2023. On the motion of Council Member McCarrie, seconded of Council Member Dill and carried to pull Ordinance No. 28 of 2023.

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**Communications:**

None

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**Mayor's Report:**

Mayor Glasser thanked all the veterans, including Council Members Dill and DePamphilis, for their service. He stated that the Veterans Day service will be held at Patriot's Park on November 11, 2023, at 11:00 a.m., and the Pearl Harbor Day service will be held at Somers Point Beach on December 3, 2023, at 1:00 p.m. Lastly, he mentioned that the American Legion will be hosting Coast Guard recruits for Thanksgiving.

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**Administrator's Report:**

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City Administrator Frost updated City Council on the City's current bond rate.

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**Solicitors Report:**

None

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**Engineers Report:**

City Engineer Schneider reported that the preliminary work for the Ocean Avenue Project and the Exton Road, Colwick Drive, Devon Road, and Bala Drive Project has begun. Next, he confirmed that the City received a \$368,175.00 grant from the New Jersey Department of Transportation for the repaving of New Jersey Avenue from Bay Avenue to 3<sup>rd</sup> Street. In addition, he announced that apart from Pleasantville and Atlantic City, Somers Point had the highest grant amount in Atlantic County for 2023.

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**Committee Reports:**

None

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**Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve the Regular Meeting Minutes of 10/26/2023.

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**Ordinances:**

**Ordinance No. 26 of 2023**

*(Second Reading/Public Hearing/Adoption)*

**M/S- Pulled from the Agenda**

**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**

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**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:

**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

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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. 9<sup>th</sup> 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. 9<sup>th</sup> Street), a distance of 50.02 feet to a point on the northwesterly sideline of Jefferson Avenue (a.k.a. 9<sup>th</sup> Street), thence;
2. North 31 degrees 45 minutes 53 seconds East along said northwesterly sideline of Jefferson Avenue (a.k.a. 9<sup>th</sup> Street), a distance of 99.93 feet to a point on the northeasterly sideline of Jefferson Ave (a.k.a. 9<sup>th</sup> Street), thence;
3. South 56 degrees 42 minutes 19 seconds East along said northeasterly sideline of Jefferson Ave (a.k.a. 9<sup>th</sup> Street), a distance of 50.02 feet to a point on the southeasterly sideline of Jefferson Avenue (a.k.a. 9<sup>th</sup> Street), thence;
4. South 31 degrees 45 minutes 53 seconds West along said southeasterly sideline of Jefferson Avenue (a.k.a. 9<sup>th</sup> 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.

- 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

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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.

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**Ordinance No. 27 of 2023**

*(First Reading/Introduction)*

**M/S-** Dill/Bruno

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

**No. 27 of 2023**

**An Ordinance Amending Sections 114-143B and 114-144B of Article XXII  
Site Plan Review and adding requirements for Bicycle Parking Provisions**

**WHEREAS**, with growing cultural awareness around health, wellness, sustainability, and economic savings, bicycling is seen as a simple solution to many complex problems, including the reduction of obesity rates to increasing mobility options.

**WHEREAS**, millions of New Jersey residents experience the joys of bicycling; and

**WHEREAS**, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

**WHEREAS**, Somers Point is a bike-friendly town and wishes to encourage more use of bicycles; and

**WHEREAS**, the City of Somers Point desires that all new development and/or redevelopment projects have provisions for bicycle parking.

**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 114, Article XXII, Section 114-143, subparagraph B. is hereby amended and supplemented to add subparagraph 23 as follows:

(22) Suitable provisions for bicycle parking to be provided on-site based on the type/scale of use proposed, so long as a minimum of five (5) regular and/or wide tire bicycle parking spaces are provided, with no more than ten (10) bicycle parking spots required.

Chapter 114, Article XXII, Section 114-144, subparagraph B. is hereby amended and supplemented to revise subparagraph 29 as follows:

(29) Suitable provisions for bicycle parking to be provided on-site based on the type/scale of use proposed, so long as a minimum of five (5) regular and/or wide tire bicycle parking spaces are provided, with no more than ten (10) bicycle parking spots required.

And add subparagraph 30 as follows:

(30) Other information as may be required by the reviewing board.

**SECTION 2:**

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

**SECTION 3:**

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

**SECTION 4:**

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

**SECTION 5:**

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

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**Ordinance No. 28 of 2023**  
*(First Reading/Introduction)*  
**M/S- Pulled from the Agenda**

**No. 28 of 2023**

**An Ordinance Repealing Chapter 48, “Board of Recreation Commissioners” of the Somers Point Municipal Code, and Adopting a New Chapter 48, “Recreation Advisory Board.”**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40:12-1, et seq., the City Council of the City of Somers Point enacted Chapter 48 of the City Code, identified as “Board of Recreation Commissioners.”

**WHEREAS**, the City’s Board of Recreation Commissioners, pursuant to both statute and ordinance, have full control over all lands, playgrounds and recreation places owned or leased by the City; and

**WHEREAS**, pursuant to statute, the City’s Board of Recreation Commissioners, has the right to prepare its own budget, raise its own money, hire its own director and employees, and set their salaries, acquire land and purchase property; and

**WHEREAS**, City Council has reviewed the aforesaid statutes, and Chapter 48 of the City Code, relative to the creation and authority of City’s Board of Recreation Commissioners; and

**WHEREAS**, City Council believes that the authority and operation of a Board of Recreation Commissioners is sometimes at odds with the way the City of Somers Point, as a smaller populated city, operates; and

**WHEREAS**, City Council recognizes the important work the Board of Recreation Commissioners does for the City, but believes that a streamlined advisory board would be more effective for City, its residents, and visitors.

**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 46 of the Code of the City of Somers Point, identified as “Recreation Commissioners, Board of,” is hereby repealed in its entirety.

**SECTION 2:**

Chapter 46 of the Code of the City of Somers Point, identified as “Recreation Advisory Board,” is hereby adopted with the following sections:

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§48-1. Establishment; membership; vacancies.

- A. A Recreation Advisory Board is hereby established.
- B. The Mayor may appoint, subject to confirmation by the City Council, not fewer than three nor more than seven persons as board members, who shall be citizens and residents of the City of Somers Point, serving without pay.
- C. All board members shall be appointed for a term of office of one calendar year or such lesser period of time as may be caused by the date of appointment, with all terms expiring at 11:59 p.m. on December 31 of each calendar year or until the Reorganization Meeting of City Council in the subsequent calendar year.
- D. Vacancies in such Board occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term, subject to confirmation by the City Council.
- E. No appointment of any member of the Recreation Advisory Board in any calendar year may be rescinded or terminated by City Council except for good cause.

§48-2. Organization and administration; Meetings and Records.

- A. The members of the Advisory Board shall meet within 30 days of their appointment.
- B. At the first meeting in each calendar year, the Advisory Board shall:
  - (1) Elect a Chairperson, Vice Chairperson and a Secretary;
  - (2) Establish a schedule of meeting dates of at least one per month for the remainder of the calendar year;
  - (3) Establish a list of primary and lesser goals and a mission statement for the calendar year; and
  - (4) Establish a schedule of performance due dates for reports of any investigation or study to be undertaken by the Advisory Board during the calendar year.
- C. The Recreation Advisory Board shall conduct its activities and meetings in accordance with all applicable state law, which shall include, but may not be limited to the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) and the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).
- D. All meetings shall have accurate and sufficient written minutes which shall be promptly prepared, approved and immediately thereafter, forwarded to the City Clerk who shall distribute them to City Council.
- E. The meetings and deliberations of the Advisory Board shall proceed in accordance with the latest version of Robert's Rules of Order.

§48-3. Powers and Duties.

The Recreation Advisory Board shall have the following powers and duties:

- A. The Advisory Board shall make recommendations to City Council relative to the implementation of recreation events and programs, as well as the maintenance and use of the City's public playgrounds, playfields, parks, beaches, swimming areas, indoor recreation centers and all other recreation areas and facilities owned or controlled by the City.
- B. Subject to City Council approval, the Advisory Board, shall:
  - (1) Oversee the maintenance and use of the City's public playgrounds, playfields, beaches, parks, swimming areas, indoor recreation centers and other recreation areas and facilities owned or controlled by the City, which have not been assigned



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by way of City Council resolution to the City's Community Program and Recreation Director.

- (2) Have the right to impose reasonable charges for use of the City's recreational areas and facilities.
  - (3) Have the right to set forth reasonable rules and regulations concerning the peaceful enjoyment and use of the recreation fields, properties and facilities by citizens of Somers Point and guests.
- C. A summary of any and all applications heard by the Somers Point Recreation Advisory Board, whether approved or disapproved, shall be presented to City Council by the Community Program and Recreation Director within five days of the hearing date when said application was presented. At any time thereafter, City Council shall have the right to override and/or object to any decision made by either the Somers Point Recreation Advisory Board or the Community Program and Recreation Director relative to any requested use of the City's recreational property and/or facilities.

Nothing contained herein shall be construed to require the City of Somers Point to seek authorization or approval from the Recreation Advisory Board for use by the City, or its Boards or Committees, of any of the City's recreational properties and facilities.

§48-4. Budget.

Annually, the Recreation Advisory Board shall submit a recommended budget for anticipated projects, events and programs to the City Council for its approval.

§48-5. Criminal History Background Checks.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**CRIMINAL HISTORY RECORD BACKGROUND CHECK** — A determination of whether a person has a criminal record by cross-referencing that person's name, fingerprints, social security number and date of birth with those on file with the Federal Bureau of Investigation, Identification (SI) Division, and/or the State Bureau of Identification of the New Jersey State Police.

**CURRENT AND PROSPECTIVE EMPLOYEES OR VOLUNTEERS** — A person of the age of 18 years or older who is or intends to be employed by and/or volunteers to participate on behalf of a nonprofit youth organization or program which provides recreational, cultural, charitable, social or other activities or services principally to minors under the age of 18 years.

**NONPROFIT YOUTH ORGANIZATION PROGRAM OR ACTIVITY** —

- (1) A nonprofit youth organization, program or activity, excluding public and nonpublic schools, principally involving minors under 18 years of age, that provides recreational, cultural, charitable, social or other activities or services that are endorsed, supported or sponsored by the City of Somers Point or the Somers Point Recreation Advisory Board, or receive funding from the City of Somers Point or the Somers Point Recreation Advisory Board, and any such organization or program which is not endorsed, financially supported or sponsored by the City of Somers Point or the Somers Point Recreation Advisory Board, but which requests permission to utilize City-owned facilities or parks or facilities and parks which are under the jurisdiction or control of the City of Somers Point and/or the Somers Point Recreation Advisory Board.

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- (2) The Somers Point Recreation Advisory Board shall prepare and maintain on file and available for public inspection a list of all nonprofit youth organizations, programs or activities endorsed, supported or sponsored by the City of Somers Point or the Somers Point Recreation Advisory Board and which are within the scope of this section.
- B. Request for criminal background checks and consent as condition of participation in nonprofit organization, program, activity or service sponsored, financially supported, or endorsed by the City of Somers Point or the Somers Point Recreation Advisory Board.
  - (1) Every current and prospective employee or volunteer of a nonprofit youth organization, program or activity principally involving minors under 18 years of age that provides recreational, cultural, charitable, social or other activities or services endorsed, supported or sponsored by the City of Somers Point or the Somers Point Recreation Advisory Board shall submit to a criminal history background check prior to engaging in such activity.
  - (2) Each current and prospective employee or volunteer shall provide his or her written consent to the criminal background check in order to be permitted to participate in the nonprofit youth organization or activities as defined herein. Such written consent shall be submitted to City's Community Program and Recreation Director.
- C. Renewal of criminal background check.
  - (1) Each criminal background check, upon receipt of qualification, shall be valid for a period of five years, after which each employee and volunteer shall submit a new application.
  - (2) In each of the intervening years between criminal background checks, each employee and volunteer shall certify to the City's Community Program and Recreation Director in writing that there has been no change in circumstances which would result in a disqualification of that employee or volunteer.
  - (3) In the event an employee or volunteer is convicted of any of the crimes or disorderly persons' offenses specified in Subsection F of this section, such employee or volunteer shall promptly inform the City's Community Program and Recreation Director within 30 days of such conviction and shall thereupon be disqualified from continuing to serve as an employee or volunteer.
  - (4) In the event, however, that any such employee or volunteer shall be charged or arrested for sexual misconduct or a crime or disorderly offense of the type specified in Subsection F, either in this state or without, although the volunteer or employee shall be given the presumption of innocence as to such charges or arrests, such employee or volunteer shall promptly notify the Chief of Police and the City's Community Program and Recreation Director following any such charge or arrest.
- D. Cost of conducting criminal background check. The costs of the criminal history record background check are to be borne by the employee or volunteer seeking to participate on behalf of a nonprofit youth organization, program or activity. The City's Community Program and Recreation Director shall prepare and maintain on file a list of all nonprofit youth organizations, programs or activities endorsed, supported or sponsored by the City of Somers

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Point or the Somers Point Recreation Advisory Board and which are within the scope of this section.

- E. Procedure for processing criminal background checks. The Somers Point Recreation Advisory Board shall from time to time establish procedures for notifying employees and for processing all criminal background checks, which shall be consistent with the requirements of N.J.S.A. 15A:3A-1 et seq., and:
- (1) All youth organizations, programs or activities endorsed, sponsored, or supported by the City of Somers Point or the Somers Point Recreation Advisory Board shall be required to submit a list of names, addresses and a written consent form from all prospective and current employees and volunteers to the Community Program and Recreation Director of the City of Somers Point.
  - (2) The Community Program and Recreation Director shall coordinate the criminal background checks and schedule the fingerprinting and photographing through the Somers Point Police Department to the extent necessary.
  - (3) The Somers Point Recreation Advisory Board shall engage the services of a third-party independent agency approved by the State of New Jersey to conduct the criminal history record background checks authorized under this section to provide the following services:
    - (a) Provide an on-site representative to photograph and fingerprint all volunteers and/or employees.
    - (b) Collect, review for accuracy, and deliver all fingerprint cards to the New Jersey State Police.
    - (c) Notify the Somers Point Recreation Advisory Board of the qualification of each applicant based upon information received from the New Jersey State Police.
    - (d) Issue photograph identification cards for all volunteers and/or employees who have successfully passed the background record check to the Board of Recreation Commissioners, which shall issue the identification card to the applicant.
    - (e) Issue and update rosters of all processed applicants to the Somers Point Recreation Advisory Board.
    - (f) Secure and maintain at all times during the term of the contract general public liability insurance with a minimum limit of liability of \$1,000,000, and statutory workers' compensation, with coverage in amounts as required by New Jersey statutes. The agency shall provide the Somers Point Recreation Advisory Board with a certificate of insurance naming the City of Somers Point and the Somers Point Recreation Advisory Board as additional insureds under the general liability policy and evidencing the above coverage and limits of liability with the obligation to provide a minimum of 30 days' advance written notice prior to any cancellation or alteration of any of the policies referred to in the certificate.
    - (g) At all times during the term of the contract, secure and maintain a policy of professional liability insurance with a minimum coverage limit of \$1,000,000.
- F. Conditions of disqualification. Subject to the appeal procedure provided by Subsection I, a person shall be disqualified from serving as an employee or volunteer of such a nonprofit organization, program or activity if that person's criminal history record background check reveals a record of conviction of any of the following crimes or disorderly persons' offenses:

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- (1) In New Jersey, any crime or disorderly persons' offense:
    - (a) Involving danger to the person, meaning any of those crimes and disorderly persons' offenses set forth in N.J.S.A. 2C:11, Homicide; N.J.S.A. 2C:12, Assault; Endangering; Threats; N.J.S.A. 2C:13, Kidnapping; N.J.S.A. 2C:14, Sexual Offenses; or N.J.S.A. 2C:15, Robbery;
    - (b) Against the family, children, or incompetents, meaning those crimes and disorderly persons' offenses set forth in N.J.S.A. 2C:24-1 et seq.;
    - (c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey statutes;
    - (d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey statutes, except Paragraph (4) of Subsection a of N.J.S.A. 2C:35-10, possession of 50 grams or less of marijuana.
  - (2) In any other state of jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons' offenses described in Subsection F(1) of this section.
  - (3) Violation of any other statute which the New Jersey Legislature may from time to time add to the list of disqualification by amendment or supplement to N.J.S.A. 15A:3A-3 or which the criminal background investigation shall include as a basis for disqualification.
- G. Notification of disqualification. If a person is determined to be disqualified from serving as an employee or volunteer of such an organization, program or activity because the criminal history record background check reveals a record of conviction as listed above:
- (1) A copy of the notification of disqualification will be sent directly from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of State Police, or the third-party agency, to the applicant, the third-party provider, and the Somers Point Community Program and Recreation Director.
  - (2) No entity within the process will be privy to specific contents of the applicant's criminal background other than the applicant. The applicant may obtain a copy of the criminal history record directly from the New Jersey State Police.
  - (3) Any applicant who receives a notice of disqualification shall have the right to pursue the matter with the third-party provider, but all fees and costs shall be the sole responsibility of the applicant and shall not be subject to reimbursement or refund by Somers Point Recreation Advisory Board. If the disqualification is removed and the applicant is subsequently found to be qualified, 1/2 of the initial fee will be refunded to the applicant.
  - (4) The rules and regulations concerning access to and dissemination of information obtained as a result of conducting a criminal history record background check have been established by the New Jersey Attorney General pursuant to the Administrative Procedures Act, which shall control.<sup>1</sup>
- H. Youth Protection Program Appeal Panel.
- (1) In order to monitor and supervise the enforcement of this section as well as hear appeals, a three-member Youth Protection Program Appeal Panel shall be established, which shall be comprised of the Chief of Police, the Mayor of the City of Somers Point and the Somers Point Community and Recreation Director.

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- (2) In the event the designated member shall be unable to participate in an appeal, the following designated alternate representatives shall appear and participate:
    - (a) For the Chief of Police, the second-highest-ranking officer appointed to serve in the Police Department;
    - (b) For the Mayor, the Council President Pro Tem; and
    - (c) For the Community Program and Recreation Director of CER, the Chairperson of the Somers Point Somers Point Recreation Advisory Board.
  - (3) All members or designated alternates shall serve without additional compensation.
- I. Appeal process.
- (1) All current and prospective employees or volunteers whose criminal history background check disqualifies such person from employment or from volunteering may appeal his or her disqualification on the basis that the person has been rehabilitated. Such person may appeal the disqualification determination by filling a written notice of appeal with the Community Program and Recreation Director together with all supporting documentation evidencing the rehabilitation.
  - (2) Such appeal must be filed in writing by the disqualified individual within 20 calendar days following the date set forth on the notice of disqualification. There shall be no extensions granted, and failure to comply with the time period shall constitute a waiver of the right of appeal.
  - (3) All appeal requests shall be held before the Youth Protection Program Appeal Panel not later than 30 calendar days after receipt of the written notice of appeal together with the complete appeal application materials provided by the appellant; and a written determination shall be made and mailed to the applicant advising whether, in the opinion of the Appeal Panel, the employee or volunteer qualifies for service. The decision of the Appeal Panel must be unanimous in order to be approved. The decision of the Appeal Panel shall be final and not subject to further appeal or challenge.
  - (4) At the hearing, the employee or volunteer shall have the right to appear and be heard, to be represented by an attorney, and to present witnesses in his or her own behalf. Rules of evidence shall not apply, and the proceeding is not adversarial. The burden to convince is solely upon the appellant.
  - (5) The Youth Protection Program Appeal Panel may overturn a disqualification determination if the employee or volunteer is able to demonstrate by clear and convincing evidence that he/she has been sufficiently rehabilitated so as to make him/her eligible to serve the organization.
  - (6) In determining whether a person has affirmatively demonstrated rehabilitation, the appeals committee may consider the following factors:
    - (a) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
    - (b) The nature and seriousness of the offense;
    - (c) The circumstances under which the offense occurred;
    - (d) The date of the offense;
    - (e) The age of the person committing the offense when the offense was committed;
    - (f) Whether the offense was an isolated or repeated incident;

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- (g) Any social or environmental conditions which may have contributed to the offense; and
  - (h) Any other evidence of rehabilitation, including a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-7 et seq., good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.
- (7) If the appeals committee determines, in its sole discretion, based upon the information provided, that the disqualified person has been successfully rehabilitated, it shall direct that that person's name be entered on the list of qualified employees and volunteers maintained by the Community Program and Recreation Director.
- (8) A person shall not under any circumstances be eligible for a certificate of rehabilitation or approval as a qualified employee or volunteer pursuant to N.J.S.A. 2A:168A-7 if that person has been convicted of:
- (a) A first-degree crime;
  - (b) An offense to which N.J.S.A. 2C:43-7.2 (eligibility for parole; persons convicted of certain violent crimes) applies;
  - (c) A second-degree offense defined in Chapters 13 (kidnapping and related offenses; coercion); 14 (sexual offenses); 15 (robbery); 16 (bias crimes); 24 (offenses against the family, children and incompetents); 27 (bribery and corrupt influence); 30 (misconduct in office; abuse of office); 33 (riot, disorderly conduct and related offenses); and 38 (September 11th, 2001 Anti-Terrorism Act - See N.J.S.A. 2C:1-1 et seq.);
  - (d) A violation of N.J.S.A. 2C:24-4a or of N.J.S.A. 2C:24-4b(4) (endangering the welfare of children);
  - (e) A crime requiring registration pursuant to N.J.S.A. 2C:7-2 (Megan's Law);
  - (f) A crime committed against a public entity or against a public officer;
  - (g) A crime enumerated in N.J.S.A. 43:1-3.1b(2) (theft by deception) committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;
  - (h) Any crime committed against a person 16 years of age or younger or a disabled or handicapped person; or
  - (i) A conspiracy or attempt to commit any of the crimes described in this § 48-7I(8).
- (9) Restriction upon dissemination of confidential information. Members of the appeals committee and their designees shall limit their use of the criminal history record information provided by the appellant solely to the authorized purpose for which it was obtained. Criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes and shall not be disseminated to any unauthorized persons. This record, in whatever form it exists, including electronically or via computer, shall be destroyed immediately by the appeals committee after it has served its intended and authorized purpose. Any person

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- violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.
- J. Certification by affidavit by other responsible person as an essential element of the application to utilize any facility or park owned by the City of Somers Point and as a precondition for such use.
- (1) The president, director, sponsor, leader, or other responsible person in charge of any nonprofit organization or program which provides recreational, cultural, charitable, social or other activities or services principally involving minors under the age of 18 years which is not sponsored, financially supported or endorsed by the City of Somers Point or the Somers Point Recreation Advisory Board, and which requests the use of any facility or park owned by the City of Somers Point, shall, as an essential part of each application submitted to the Somers Point Recreation Advisory Board for such use, submit a certification by affidavit that the organization or program has subjected each of its employees and volunteers to a criminal background check in compliance with N.J.S.A 15A:3A-1 et seq. and has disqualified any person, which the Somers Point Recreation Advisory Board shall be entitled to rely upon and which shall be maintained on file by the Somers Point Recreation Advisory Board. Failure to submit the required affidavit shall render the application incomplete and shall make the organization or program ineligible to use any such facility or field until the condition shall have been satisfied.
  - (2) The requirement set forth in Subsection J(1) shall not apply to any program, activity or service which is sponsored or engaged in by a public or nonpublic school.
  - (3) The Somers Point Somers Point Recreation Advisory Board shall include the requirements of this section within its rules and procedures for use of City-owned facilities and parks and shall make the affidavit requirement a part of its application form.

**SECTION 3:**

It is the intention of City Council with the passage of this ordinance to replace any references to “the Somers Point Board of Recreation Commissioners” in any other with “the Somers Point Recreation Advisory Board.”

**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 on December 31, 2023, at 11:59 p.m., after final passage, publication and adoption in the manner prescribed by law.

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M/S- Dill/Bruno

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

**No. 29 of 2023**

**An Ordinance Repealing and Creating a New Article II of Chapter 34 of Code of the City of Somers Point**

**WHEREAS**, the City Council of the City of Somers Point previously enacted Article II of Chapter 34, which created the position of Community Education/Recreation Director (CER Director), and set forth the responsibilities and duties of said position; and

**WHEREAS**, the intent of creating the aforesaid position was that it was to be a position shared with the Somers Point School System; and

**WHEREAS**, the Somers Point Board of Education has elected to no longer participate in connection with said shared position; and

**WHEREAS**, City Council has reviewed the aforesaid section of the City's Code, and determined that the duties and responsibilities of said position have changed as the result of the separation of the position from the Somers Point School System; and

**WHEREAS**, City Council believes that the City's Code should be amended to reflect a new title, as well as the duties and responsibilities of any individual assigned by the City Administrator to perform certain City related functions previously performed by the CER Director.

**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:**

Article II of Chapter 34 of the Code of the City of Somers Point, identified as "Community Education/Recreation Director," is hereby repealed in its entirety.

**SECTION 2:**

Article II of Chapter 34 of the Code of the City of Somers Point, identified as "Community Program and Recreation Director" is hereby adopted with the following sections:

**§ 34-4. Establishment.**

The City Council of the City of Somers Point, New Jersey, hereby establishes the position with the title of Community Program and Recreation Director, which position shall be appointed from time to time by the City Administrator. Nothing contained herein shall be construed to create any right upon any employee to said position inasmuch as any individual serving in such position serves at the discretion of the City Administrator.

**§ 34-5. Purpose and description.**

The purpose of this position shall be the maximum utilization of the community's physical, financial and human resources to provide opportunities for the growth and development of every Somers Point resident and the community as a whole. The person shall work with children, youth, adults and agencies living and working within Somers Point to ensure the development and operation of community programs and projects consistent with identified community needs and interests. Such a program will include activities and projects for all ages of a recreational, civic, cultural and social nature.

**§ 34-6. Powers and duties.**



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Areas of responsibility of the Director shall be to:

- A. Exercise community leadership in the definition and development of new community programs, activities and facilities designed to meet identified community needs.
- B. Develop and operate a balanced, year-round program which includes activities and involvement for children, youth, adults and senior citizens.
- C. Encourage the development of interagency and organizational cooperative efforts and involvement within the community.
- D. Coordinate all activities related to the recreational programs approved by the Recreation Advisory Board.
- E. Schedule and coordinate the use of the City's recreational facilities.
- F. Facilitate community programs in their endeavor to provide human services to residents.
- G. Promote community spirit and cooperation.
- H. As necessary, provide administrative services to the City's Recreation Advisory Board.
- I. Assist the City Administrator and the Recreation Advisory Board in providing supervision of recreational maintenance personnel.
- K. Complete and maintain accurate records as to income and payroll and order and inventory supplies and all other financial aspects of the total program.
- L. Continually investigate and apply for sources of funding available to implement and expand existing community recreation programs.
- M. Perform such other related duties and responsibilities for any job as assigned or deemed appropriate by the City Administrator.

**SECTION 3:**

It is the intention of City Council with the passage of this ordinance to replace any references to "the Community Education/Recreation Director" with "the Community Program and Recreation Director."

**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 on December 31, 2023, at 11:59 p.m., after final passage, publication and adoption in the manner prescribed by law.

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**Ordinance No. 30 of 2023**

*(First Reading/Introduction)*

**M/S-** McGuigan/DePamphilis

The ordinance was adopted by a unanimous vote of those present, with the abstention of Council Member Dill.

**No. 30 of 2023**

**An Ordinance Amending Section 114-50A (1) in the HC-1 Zoning District  
Landscaping and Fences in Reference to Planting Requirements**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and **WHEREAS**, the City of Somers Point works to continuously to promote sustainability; and **WHEREAS**, many landscaping features and plantings are a major factor in the effort to ensure sustainability in the environment; and

**WHEREAS**, the City of Somers Point desires that all new development and/or redevelopment projects contribute to the sustainability efforts in a reasonable and equitable manner.

**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 114, Article VIII, Section 114-50A, subparagraph (1) is hereby amended and supplemented to include the following provision:

(1) Canopy species a minimum of eight (8) feet at planting shall be installed on site in accordance with the planting specifications and list of suggested species available from the City Construction Official according to the following planting schedule:

<u>TOTAL SITE DISTURBANCE</u> <u>PROPOSING</u> <u>PROPOSED:</u>	<u>PLANTING REQUIREMENTS:</u>	<u>EXAMPLE: PROJECT</u>  <u>40,000 SF OF DISTURBANCE</u>
Up to 10,000 SF	Two (2) trees per every 1,000 SF of site disturbance	20 Trees (0 - 10,000 SF)
10,000 – 30,000 SF	One (1) tree per every 2,000 SF of site disturbance	10 Trees (10,000 - 30,000 SF)
Over 30,000 SF	One (1) tree per every 5,000 SF of site disturbance	<u>2 Trees (30,000 - 40,000 SF)</u>
		<u>32 Trees- Total Requirement</u>

Should the required tree plantings not be able to be completed on site due to specific conditions, plantings shall be completed by the Applicant on City-owned property with the

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approval of the reviewing Board. Plantings on City property shall be completed in consultation with City Council and the City Administrator with recommendations from the reviewing Board, Environmental Commission and City Engineer, and meet all district- specific requirements including coverage by applicable performance/maintenance guarantees. Any planting on Recreation property must be approved by the Recreation Commission. All planting will be coordinated with the Director of Public Works.

In lieu of completing required tree plantings on City-owned lands, an Applicant may also provide a lump sum payment into the City’s Tree Preservation Fund at a rate determined by City Council based on average tree purchase and planting rates at the time. This payment shall be made concurrently with the deposit of the requisite Performance Guarantee for project improvements.”

**SECTION 2:**

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

**SECTION 3:**

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

**SECTION 4:**

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 5:**

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

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**Resolutions:**

**Public Portion Resolutions:**

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

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**Resolution No. 239 of 2023**

**M/S- Owen/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 239 of 2023**

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**Subject: Support Submission of a Grant Application SRS-I-2024-Somers Point City-00075 to the NJDOT Safe Routes to School Program**

**Sponsored By: Council President Johnston**

**WHEREAS**, the New Jersey Department of Transportation is accepting applications for the Safe Routes to School Grant Program; and

**WHEREAS**, the federally funded Safe Routes to School Program strives to empower communities to make walking and bicycling to school a safe and route activity; and

**WHEREAS**, this Program is available to all municipalities and school districts in the State of New Jersey; and

**WHEREAS**, this grant program does not require a local match; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, children are encouraged to walk and bicycle to school and the City wishes to work with the Board of Education to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy, active lifestyle from an early age; and

**WHEREAS**, the City of Somers Point is committed to promote activities that encourage walking and biking to school including:

- Public awareness campaigns and outreach to media and community leaders;
- Traffic education and enforcement in the vicinity of schools;
- Student sessions on bicycle and pedestrian safety, health, and the environment; and

**WHEREAS**, the Safe Routes to School Program facilitates the planning, development and implementation of projects that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Somers Point formally supports a grant application SRS-I-2024-Somers Point City-00075 for the Safe Routes to School Program.

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**Resolution No. 240 of 2023**

**M/S- Owen/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 240 of 2023**

**Subject: 2023 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

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**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 2023 Best Practices Inventory.

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**Resolution No. 241 of 2023**

**M/S-** Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 241 of 2023**

**Subject: Acknowledging Terms and Conditions of Participation in the South Jersey Power Co-Operative Natural Gas Purchase**

**Proposed by: Council President Johnston**

**Whereas**, The City of Somers Point is a member of the South Jersey Power Co-Operative; and

**Whereas**, on October 24<sup>th</sup>, 2023 Camden County, as the lead for the South Jersey Power Co-Operative, received bids (A-44/2023) for the purchase of the commodity Natural Gas for a three (3) year period from November 20<sup>th</sup> 2023 to November 30<sup>th</sup> 2026; and

**Whereas**, the winning bidder was UGI Energy Services, LLC for the three year period; and

**Whereas**, the billing shall be based upon the applicable Local Distribution Company's meter reading by location, and invoice payment terms will be twenty (20) day; and

**Whereas**, the City of Somers Point will be enrolled in this contract with UGI Energy Services, LLC.

**Now, Therefore, Be It Resolved** that the City Council of the City of Somers Point hereby acknowledges the terms and conditions of the cooperative purchase in accordance with the conditions outlined herein and accompanying exhibits, which are attached hereto and made a part hereof.

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**Resolution No. 242 of 2023**

**M/S- Dill/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 242 of 2023**

**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, 2023:

<u>Description</u>	<u>Cancel</u>	<u>Cancel</u>
<u>Grants Receivable</u>		
<u>Appropriated Reserves</u>		
2021 Safe and Secure Grant		\$ 7,958.12
2022 Safe and Secure Grant		\$ 21,815.11
2022 Local Arts Grant: Arts Commission		\$ 273.22
2022 Neighborhood Preservation Program		\$ 20,089.20
		\$ 50,135.65
To Current Fund Balance: \$ 30,046.45	\$ 0.00	

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**Resolution No. 243 of 2023**

**M/S- Pulled from the Agenda**

**No. 243 of 2023**

**Subject: Cash Management Plan of the City of Somers Point, County of Atlantic, New Jersey**

**Introduced By: Council President Johnston**

**I STATEMENT OF PURPOSE**

This Cash Management Plan (the ‘plan’) has been prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for deposits (‘deposits’) and permitted investments (‘investments’) of certain public funds of the City of Somers Point pending the use of such funds for the intended purposes. The plan is intended to assure that all

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such public funds are deposited in interest bearing accounts or permitted investments. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be made in a manner intended to insure the safety and preservation of principal value, the liquidity (regarding its availability for the intended purpose) and the maximum investment return within such limits. The plan is intended to insure that any deposit or permitted investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such deposits or permitted investments.

**II IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN**

The Plan is intended to cover the deposit and/or investment of the following fund and accounts of the City of Somers Point as follows:

- Current Fund Clearing Account
- General Disbursement Account
- Payroll Account
- General Capital Fund Account
- Trust Other Account
- Unemployment Account
- Housing Trust Account
- Developers Trust Account
- Police Special Detail Account
- Law Enforcement Trust Account
- State Dog Account
- Credit Card Processing Account
- Marina Account

The above listed accounts of the City of Somers Point shall have the following individuals as the designated official custodian and signature of the same:

1. Mayor
  2. City Clerk
  3. City Administrator
  4. Chief Financial Officer
- Tax Collector Account
  - Tax Collector Redemption Account
  - Tax Collector Premium Account
  - Sewer Utility Account

The above listed accounts of the City of Somers Point shall have the following individuals as the designated official custodian and signature of the same:

1. Tax Collector
  2. City Administrator
- Municipal Court Account
  - Municipal Court Bail Account

The above listed accounts of the City of Somers Point shall have the following individuals as the designated official custodian and signature of the same:

1. Court Administrator

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2. Deputy Court Administrator

**III DESIGNATION OF OFFICIALS OF THE CITY OF SOMERS POINT  
AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE  
PLAN**

The Chief Financial Officer of the City of Somers Point (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the City of Somers Point, is directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement on file with such officials.

**IV DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

Republic Bank  
State of New Jersey Cash Management  
Mass Mutual  
Sturdy Savings Bank

Other depositories so designated by the State of New Jersey

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

**V DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE  
DESIGNATED OFFICIALS MAY DEAL**

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official (s) of the City of Somers Point referred to in this Plan may deal with for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

None designated.

**VI AUTHORIZED INVESTMENTS**

A. Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by the Plan to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America
- (2) Government money market funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;



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- (4) Bonds or other obligations of the Local unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of Treasury for investment by Local Units;
- (6) Local government invest pool;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L., c281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
  - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
  - b. the custody of collateral is transferred to a third party;
  - c. the maturity of the agreement is not more than 30 days;
  - d. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c236 (C.17:9-41); and
  - e. a master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund – An investment company or investment trust:

- a. which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940”, 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- b. the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. government securities; and
- c. Which has:
  - i. attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - ii. retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool – An investment pool:

- a. which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- b. which is rated in the highest category by a nationally recognized statistical rating organization;
- c. which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- d. which is in compliance with rules adopted pursuant to the “Administrative Procedure Act” P.L. 1968, c.410(c.52:14B-1 et seq) By the Local Finance

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Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for the disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

- e. which does not permit investments in instruments that are subject to high price volatility which changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
  - f. which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located with this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9(c.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.
- B. Notwithstanding the above authorization, the monies on hand in the accounts listed in section 2 shall be further limited as to maturities, specific investments or otherwise as follows: Consistent with State statutes, rules and regulations as promulgated by the Department of Community Affairs

## **VII SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN**

To the extent that any Deposit or Permitted Investments involve a document or security which is not physically held by the City, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the City to assure that there is no unauthorized use of the funds or the Permitted Investment of Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “deliver versus payment” method to insure that such Permitted Investments are either received by the City of by a third party custodian prior to or upon the release of the City’s funds.

To assure that all parties with whom the City deals either by way of Deposits or Permitted Investments are aware of the authority and limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

## **VIII REPORTING REQUIREMENTS**

Each month during which this Plan is in effect, the Chief Financial Officer shall supply to the governing body of the City of Somers Point a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

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- A. The name of any institution holding funds of the City of Somers Point as a Deposit or Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent, that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the City of Somers Point.

**IX TERM OF PLAN**

This Plan shall be in effect from January 1, 2023 to December 31, 2023. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council; the Designated Official (s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

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**Resolution No. 244 of 2023**

**M/S-** Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 244 of 2023**

**Subject: Amended Financial Depositories**

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

**WHEREAS**, the following financial institutions are enumerated as depositories of City funds:

Republic Bank, Somers Point, NJ  
New Jersey Cash Management Fund, Jersey City, NJ  
Sturdy Savings Bank, Somers Point, NJ

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

- 1. That funds of the City of Somers Point which may be on deposit at any of the above enumerated financial institutions may be withdrawn on checks, drafts, advises of debit, notes or other orders for the payment of monies bearing any two

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signatures of the following individuals: John L. Glasser, Jr., Mayor; Lucy R. Samuelsen, City Clerk; Jason Frost, City Administrator, Chief Financial Officer; Shana W. Kestrel, and the financial institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any of the approved signatories.

2. That the financial institution is hereby directed to accept and pay without further inquiry any item drawn against any of the City's accounts with the financial institution bearing the signature or signatures as authorized above or otherwise, even though drawn or endorsed to the order of any signatory signing or tendered by such signatory for cashing or in payment of the individual obligation of such signatory or for deposit to the signatory's personal account and the financial institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such item or the proceeds of such item.

3. That any one of such signatories is authorized to endorse all checks, drafts, notes and other items payable to or owned by the City for deposit with the financial institution, or for collection or discount by the financial institution; and to accept drafts and other items payable at the financial institution.

4. That the above-named signatories are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks, or items of the City may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.

5. That the authorities hereby conferred upon the above-named signatory shall be and remain in full force and effect until written notice of the revocation thereof shall have been delivered to and received by that financial institution at each location where an account is maintained. Any such notice shall not affect any items in process at the time notice is given.

6. That the City Administrator and Chief Financial Officer be and are hereby empowered to establish and maintain the accounts they deem necessary at any of the above enumerated depositories.

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**Resolution No. 245 of 2023**

**M/S- Dill/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 245 of 2023**

**Subject: Adoption of Amended Cash Management Plan**

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

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**WHEREAS**, the State of New Jersey Local Fiscal Affairs Law, N.J.S.A. 40A:5, et seq. requires that municipalities adopt a Cash Management Plan which is designed to assure, to the extent practical, investment of local funds in interest bearing accounts and other permitted investments; and

**WHEREAS**, the Cash Management Plan must include:

- 1) The designation of a public depository or depositories
- 2) The authorization for investments as permitted by various applicable laws
- 3) The annual submission of the Cash Management Plan to the governing body, which must be approved by a majority vote.
- 4) An annual audit of the Cash Management Plan
- 5) That when an investment is in bonds which mature in more than one year, a determination that the maturity approximates the prospective time when such funds are needed

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the Cash Management Plan attached hereto and made a part hereof is hereby adopted for the year 2023.

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**Resolution No. 246 of 2023**

**M/S-** Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 246 of 2023**

**Subject: Authorizing Advertising Bids for Stormwater Pipe Cleaning and Video Inspection Along Bay Avenue**

**Introduced By: Council Member Dill**

**WHEREAS**, the governing Body of the City of Somers Point has determined that it is the best interest of the City to clean various stormwater pipes and inspect the condition of those pipe along Bay Avenue; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Stormwater Pipe Cleaning and Video Inspection along Bay Avenue; and

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

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**Resolution No. 247 of 2023**

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M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 247 of 2023**

**Subject: Resolution Amending the Content of Resolution No. 226 of 2023**

**Introduced by: Council President Johnston and Council Member Dill**

**WHEREAS**, on October 12, 2023, Resolution No. 226 of 2023 was passed by the City Council of Somers Point; and

**WHEREAS**, said Resolution was passed in conjunction with the introduction and first reading of Ordinance No. 25 of 2023, on the same date, which ordinance proposed a three-way stop at the intersection of Dawes and Bay Avenues; and

**WHEREAS**, at the time of its second reading on October 26, 2023, Ordinance No. 25 of 2023 was tabled as a result of a discussion concerning certain studies that reflected that four-way stops did little to effectuate a reduction on speeding on roadways; and

**WHEREAS**, as a result of the tabling of the aforesaid, proposed ordinance, City Council wishes to amend Resolution No. 226, and remove the reference to including a three-way stop intersection on Bay Avenue as a method to effectuate traffic calming.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council that the City Council of the City of Somers Point that Resolution No. 226 of 2023, is hereby amended to reflect the removal of the reference including a three-way stop intersection on Bay Avenue in as much as certain studies produced to City Council rebut the effectiveness of such stops in reducing speeding on roadways.

\*\*\*\*\*

**Old Business:**

- Council Member McGuigan addressed the issues brought forth at the last meeting regarding the proposed ordinance amending code section 114-50A. City Council discussed in detail with Council President Johnston offering further suggestions to lessen the burden on the City's administration. Furthermore, Council Member Dill noted that he would be abstaining from voting on this proposed ordinance as he has not yet had a chance to fully review it.
- On the motion of Council Member McGuigan, seconded of Council Member Bruno and carried to approve a 48-hour waiver to consider Ordinance No. 30 of 2023 by a roll call vote of those present. The vote is recorded as follows:
  - Bruno – Yes
  - Owen – Yes
  - DePamphilis – Yes
  - McCarrie - Yes
  - McGuigan – Yes
  - Dill – Abstain
  - Johnston - Yes

\*\*\*\*\*

# REGULAR MEETING MAYOR AND CITY COUNCIL November 9, 2023

## **New Business:**

- Approved to Waive Raffle Fees for American Legion Pull Tab License
- The Reconstruction of New Jersey Avenue Grant Award was discussed earlier in the meeting, under the City Engineer's Report.
- City Administrator Frost read aloud the 2023 Stormwater Report, detailing the City's efforts in maintaining the stormwater quality.
- The Wellness information will be discussed by City Clerk Samuelson at the December 14, 2023 meeting.
- City Administrator Frost provided an update on the challenges between the New Jersey Department of Transportation and the Municipal Marina. He informed City Council that he believes they are in fair standing with the New Jersey Department of Transportation, and that they are working on the issues.

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## **Discussion of Bills:**

Administrator Frost reported a Bill List dated 11/06/2023 in the amount of \$346,052.26.

\*\*\*\*\*

## **Public Portion:**

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of Somers Point shared examples of trees being planted around the City.

Ed O'Donnel shared his tips on how to stay healthy, and he thanked Mayor Glasser for his respect towards the public. Lastly, he announced that the Ocean City Rotary Club will be hosting a free Thanksgiving dinner from 1:00 p.m. to 3:00 p.m. at the Methodist Church in Marmora.

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:**

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Council Member McGuigan acknowledged and congratulated Mayor Elect Dennis Tapp and Council Member Elect Charles Haberkorn. He also wished City Administrator Frost a happy birthday.

\*\*\*\*\*

**Adjournment:**

There being no further business to come before City Council, Council Member Owen moved, Council Member Bruno seconded and carried to adjourn the meeting at 7:48 p.m.

\*\*\*\*\*

Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 12/14/2023