

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 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, Dill, DePamphilis McCarrie, McGuigan, Owen, Johnston

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, 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.

Senator Vincent J. Polistina presented Mayor Jack Glasser with a Joint Legislative Commendation on behalf of himself, Assemblyman Guardian, and Assemblywoman Swift. He also thanked Mayor Glasser for all his years of service.

Public Portion on Resolution Numbers 252, 258, 261 and 267 of 2023

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

Resolution No. 252 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Members McGuigan, Dill, McCarrie, Owen, DePamphilis, Bruno, and Council President Johnston, all thanked Mayor Glasser for his dedication and years of service.

City Council presented Mayor Glasser with an award for his achievements and dedication.

No. 252 of 2023

Honoring and Thanking the Honorable Mayor John L. Glasser, Jr.

WHEREAS, on January 4, 2008, John L. Glasser, Jr., was sworn in as the duly elected Mayor of the City of Somers Point to serve the City for four years; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS, Mayor Glasser would be elected three more times to serve as Mayor for a total of sixteen years; and

WHEREAS, Mayor Glasser is a veteran of the United States Air Force, retired as a Master Sergeant of the New Jersey Air National Guard's 177th Fighter Wing after 24 years of service; and

WHEREAS, Mayor Glasser also served as a law enforcement officer with distinction for 25 years with the Northfield Police Department, retiring in 2002 with the rank of Captain; and

WHEREAS, Mayor Glasser has been a member of the St. Joseph Knights of Columbus, served as a Eucharistic Minister, volunteered as a basketball coach, served on the Bay-Fest Committee, and worked with the Miss American Pageant; and

WHEREAS, Mayor Glasser has always been a strident supporter of the Country's Military Veterans and Veterans' causes, spearheading the effort to create the Somers Point Veterans Advisory Board in 2019; and

WHEREAS, Mayor Glasser is valued as a colleague and a friend and always gives of his time generously to assist others; and

Now therefore, it is hereby **RESOLVED** that the City Council of Somers Point express their deepest appreciation and heartfelt gratitude to Mayor Glasser for a lifetime of dedicated public service including 16 years as Mayor and his unwavering commitment to the betterment of Somers Point and its residents; and

Be it further **RESOLVED** that the City Council conveys their congratulations to Mayor Glasser upon his retirement as Mayor and offer their best wishes to him and to his family.

Resolution No. 258 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Members Dill, Owen, McGuigan, Mayor Glasser, and Council President Johnston offered their sincere congratulations to the team, coaches, and support staff.

Mayor Glasser and City Council Presented Coach Chuck Smith and team members with a framed resolution.

No. 258 of 2023

**Saluting the Success of the Mainland Regional High School Mustang Football Team
New Jersey State Champions – NJSIAA Group IV**

WHEREAS, Mainland Regional High School serves the students of the Somers Point, Northfield, and Linwood communities; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS, the Mainland Mustang Football team, under the direction of Head Coach Chuck Smith, has exhibited unparalleled dedication, skill, and sportsmanship throughout the 2023 season; and

WHEREAS, the Mustangs have not only displayed athletic prowess but also demonstrated the values of discipline, perseverance, and unity, serving as an inspiration to the entire community; and

WHEREAS, on November 25, 2023, with the support of the Mainland Cheer Team and the USBands Group 1A National Champion Mainland Marching Band, the team capped a perfect 14-0 season with an excellent performance to beat Ramapo High School 56-0 to win the Group IV crown at Rutgers University's SHI Stadium; and

WHEREAS, after the performance in the final game, the 2023 Mustangs will be remembered as one of the greatest teams in South Jersey history, having dominated when it mattered the most, winning its five playoff games by an average margin of 38 points.

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council of the City of Somers Point, on behalf of themselves and our community, hereby recognize and extends its sincerest congratulations to the Mainland Regional High School Mustang Football players, coaches, and support staff on their undefeated season and winning the New Jersey State Interscholastic Athletic Association Group IV State Championship; and

It is further **RESOLVED** that the Mayor and City Council of Somers Point salute the hard work and dedication of the team and present this resolution as a testament to their outstanding performance and an expression of pride from the community in their remarkable accomplishment.

Resolution No. 261 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan expressed his gratitude to the club for their contributions to the community.

Mayor Glasser and City Council presented the Green Thumb Garden Club Members with a framed resolution.

No. 261 of 2023

Thanking the Green Thumb Garden Club of Somers Point

WHEREAS, the Green Thumb Garden Club has been an institution in Somers Point for over seventy years, providing various landscaping activities and ideas for many members of the community; and

WHEREAS, the Club has had many landscaping and garden contests throughout the years, which have increased the awareness of the horticultural arts and encouraged homeowners to continue to beautify their homes; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS, the Club was gracious in donating two Christmas wreaths which have adorned the front doors of City Hall and added to the magic of the season for all those who enter; and

WHEREAS, upon request, the Club was also able to produce another beautiful wreath for the City's Pearl Harbor Remembrance Ceremony which added a very nice touch to the significant event; and

Now therefore, it is hereby **RESOLVED** that the work of the Green Thumb Garden Club has had a positive impact in the City of Somers Point; and

It is further **RESOLVED** that the Mayor and City Council of Somers Point conveys their gratitude to the Green Thumb Garden Club for the beautiful wreathes on behalf of the City employees and visitors to City Hall as well as the Veterans Community; and

Also, be it further **RESOLVED** that the Mayor and City Council wish the Green Thumb Garden Club a festive and happy holiday season.

Resolution No. 267 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Members Dill, McCarrie, Owen, McGuigan, Council President Johnston, and Mayor Glasser showed their appreciation for Council Member Bruno and wished her the best of luck in the future.

City Council and Mayor Glasser presented Council Member Bruno with a framed resolution.

No. 267 of 2023

Recognizing and Thanking Council Member Bruno

WHEREAS, on January 1, 2021, Karen Bruno was sworn in as Ward Two Council Member of the City of Somers Point to serve the City for three years; and

WHEREAS, Council Member Bruno has been a resident of Somers Point for 35 years; and

WHEREAS, Council Member Bruno currently teaches basic skills at Atlantic Cape Community College and writes a history column for the Ocean City Sentinel; and

WHEREAS, Council Member Bruno worked to establish the Atlantic County Women's Center; and

WHEREAS, Council Member Bruno served on the Business School Partnership Committee, the Good Old Days Scholarship Fund, the Somers Point Art Commission and the Somers Point Historical Preservation Commission; and

Now therefore, it is hereby **RESOLVED** that the City Council of Somers Point express their appreciation and gratitude to Council Member Bruno for serving three years for the betterment of Somers Point and its residents and extends their best wishes to her and to her family.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

On behalf of the Atlantic County Commissioners, Commissioner Maureen Kern presented Mayor Glasser with a proclamation recognizing his many achievements.

Communications:

Council President Johnston summarized a letter from Judge Michael Blee of the Superior Court of New Jersey Regarding Atlantic County Central Municipal Court.

Mayor's Report:

Mayor Glasser commented on a letter received by the Department of Transportation in reference to improving bike riding conditions on Route 9, between Somers Point Mays Landing Road and the Parkway. Next, he read aloud a letter from Dennis Levinson regarding his support for the City's grant application to improve the safety of school routes for children who walk or bike to school. Next, he thanked the Historical Society for putting together the Christmas Parade and relayed that the service for Pearl Harbor Day took place at the American Legion, with the wreath being placed in the Bay on December 9, 2023. Lastly, Mayor Glasser reflected on his years of service and thanked everyone for their continued, unwavering support.

Administrator's Report:

None

Solicitors Report:

None

Engineers Report:

City Engineer Schneider reported the City's involvement in the Atlantic County Road Safety Plan, to which Council President Johnston added that they are getting good advice on how to handle problem areas on our roads. Next, he updated City Council on the Ocean Avenue construction and the Colwick, Exton, and Devon Road re-pavement.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Committee Reports:

Economic Development Advisory Commission – Charles Westcott gave a Presentation regarding the City’s marketing progress and goals for 2024, including joining the Atlantic County Economic Alliance. He asked City Council to approve and allocate the necessary funds to join the Atlantic County Economic Alliance.

Council Member Dill conveyed his appreciation to the Economic Development Advisory Commission. Council President Johnston communicated her support for EDAC joining the Alliance.

There being no objections, City Council approved the allocation of funds for a 2024 membership to the Atlantic County Economic Alliance.

Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Owen and carried to approve the Regular Meeting Minutes of 11/09/2023.

Ordinances:

Ordinance No. 26 of 2023

M/S- Dill/Owen

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

(Second Reading/Public Hearing/Adoption)

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

No. 26 of 2023

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

WHEREAS a West Groveland Redevelopment Plan dated April 20, 2022 was prepared by J. Timothy Kernan and Kristin J. Russell of Colliers Engineering & Design for the redevelopment of Block 719, Lots 15, 16 and 17 on the City of Somers Point Tax Map which are situated at the corner of West Groveland Avenue and New Road, and having current street addresses of 920 West Groveland Avenue and 425 New Road, Somers Point, New Jersey, comprising

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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 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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

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

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

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

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

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

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

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

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

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

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

SECTION 6. EFFECTIVE DATE.

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

Ordinance No. 27 of 2023

M/S- Dill/McCarrie

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

(Second Reading/Public Hearing/Adoption)

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

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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:

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.

Ordinance No. 29 of 2023

M/S- Dill/Bruno

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

(Second Reading/Public Hearing/Adoption)

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

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,

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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.

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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.

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.

Ordinance No. 30 of 2023

M/S- Dill/Bruno

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

(Second Reading/Public Hearing/Adoption)

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

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**

REGULAR MEETING MAYOR AND CITY COUNCIL December 14, 2023

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>PLANTING REQUIREMENTS:</u>	<u>EXAMPLE: PROJECT</u>
<u>PROPOSING</u>		
<u>PROPOSED:</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>

32 Trees- Total Requirement

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 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:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Peirson of Somers Point asked for clarification on Resolution Numbers 262, 263 and 256.

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

Resolution No. 248 of 2023

M/S- Bruno/Dill

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

No. 248 of 2023

Subject: Budget Appropriation Transfer

Introduced by: Council President Johnston

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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 2023 budget transfer as specified in this resolution.

Current Fund

From:

Traditional Plan Health Insurance	3-01-23-220-284	\$77,000
Utilities: Diesel Fuel	3-01-31-447-274	\$10,000
Utilities: Gasoline	3-01-31-460-273	\$10,000
FICA & Medicare	3-01-36-472-111	\$25,000
		\$122,000

To:

Employee Medical Waiver Opt Out	3-01-23-221-285	\$5,000
General Liability Insurance	3-01-23-210-234	\$6,000
Workers Compensation Insurance	3-01-23-215-235	\$26,000
Utilities: Water	3-01-31-445-281	\$20,000
Utilities: Street Lighting	3-01-31-435-276	\$20,000
Utilities: Fire Hydrants	3-01-31-445-283	\$5,000
Legal Services	3-01-20-155-200	\$25,000
Vehicle Maintenance	3-01-26-315-200	\$15,000
		\$122,000

Resolution No. 250 of 2023

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 250 of 2023

Subject: **Canceling Outstanding Checks & Bank Reconciliations Items**

Introduced by: **Council President Johnston**

WHEREAS, the CFO has determined that certain outstanding checks and bank reconciliation items should be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following outstanding checks and bank reconciliation items are hereby cancelled:

General Account Check Number	Amount
5234	\$ 2.00
5381	\$ 31.14
5473	\$ 15.00
5474	\$ 15.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

5754	\$ 170.00
5956	\$ 130.00
7315	\$.35
\$	363.49

Resolution No. 251 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 251 of 2023

Subject: Tax Overpayment Refund Block 1313 Lot 8.01

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

WHEREAS, the below listed overpayment for the years designated is held in reserve by the City of Somers Point; and

WHEREAS, the property tax payments were overpaid inadvertently by the previous owner and the title company, creating an overpayment and;

WHEREAS, the previous owner, Jacqueline Galbiati has requested the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to Jacqueline Galbiati.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qualifier	Property Address	Amount	Year
1313	8.01		38 E. Connecticut Avenue	\$1,937.97	2023

**Total:
\$1,937.97**

Resolution No. 253 of 2023

M/S- Dill/Owen

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

No. 253 of 2023

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Subject: Authorizing the Execution and Delivery of a First Amendment to a Redevelopment Agreement Between the City of Somers Point And Provco Somers Point LLC For the Redevelopment of Block 719, Lots 15, 16, And 17

Introduced By: Council President Johnston

Whereas by RESOLUTION 55 - 2023 the City Council approved a Redevelopment Agreement between the City of Somers Point and Provco Somers Point, L.L.C. for the redevelopment of Block 719, Lots 15, 16, and 17; and

Whereas the Project Schedule attached to the Redevelopment Agreement as Exhibit C provided that "Redeveloper shall obtain all other Development Approvals within 18 months from the effective date" which will expire on August 15, 2024; and

Whereas Redeveloper did apply to the Somers Point Planning Board and did obtain preliminary and final site and subdivision approval within the time specified in Exhibit C; and

Whereas Redeveloper has been diligent in its pursuit of all other Development Approvals (as defined in the Redevelopment Agreement); and

Whereas, Redeveloper has filed all other required applications, and Redeveloper has been working diligently with the New Jersey Department of Environmental Protection, the New Jersey Department of Transportation, and adjacent landowners to obtain the necessary permits and approvals, including acquisition of one or more right-of-way easements from certain adjacent property owners; and

Whereas a request has been submitted to the City of Somers Point (the "City") on behalf of the Redeveloper to extend the time within which to obtain all such Development Approvals (as specified in Exhibit C to the Redevelopment Agreement) and grants of easements to not later than August 15, 2025; and

Whereas Redeveloper represents and covenants that it shall continue to diligently pursue all other Development approvals to obtain all such permits, approvals, and grants of easements as expeditiously as possible, and will commence construction of the Project within 6 months of obtaining all final and unappealable land use and environmental permits and approvals as provided in Exhibit C to the Redevelopment Agreement; and

Whereas the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. requires that certain covenants be memorialized in a Declaration of Covenants and Restrictions and said Declaration be recorded in the Atlantic County Clerk's Office; and

Whereas it is desirable to provide a form of Certificate of Completion to evidence that the Redevelopment Project has been completed in compliance with the Terms and Conditions of the Redevelopment Agreement as it may be supplemented and amended, and the Redevelopment Plan; and

Whereas the governing body of the City has evaluated the request and has determined it is in the best interests of the City and the Redeveloper to grant the request.

Now, therefore, it is hereby Resolved that the Mayor is authorized to execute and deliver the First Amendment to the Redevelopment Agreement between the City of Somers Point and Provco Somers Point, L.L.C. in the form attached hereto to extend the date by which the

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Redeveloper is to obtain all other Development Approvals including all necessary right-of-way easements from not later than August 15,2024 to not later than August 15, 2025.
It is further Resolved that all other terms and conditions of the Redevelopment Agreement shall remain in full force and effect.

Resolution No. 254 of 2023

M/S- McCarrie/Dill

This resolution was adopted by unanimous vote of those present.

No. 254 of 2023

Subject: Resolution Authorizing Emergency Purchase Pursuant to Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance

Introduced By: Council President Johnston

WHEREAS, an emergency had arisen with respect to the condition of the sewer main along Bucknell Rd and the surrounding areas on November 15th 2023; and

WHEREAS, a determination of an imminent hazard was received from the City’s Sewer Operator and Sewer Utility Engineer; and

WHEREAS, per Resolution 178 of 2022 and with the recommendation of the Sewer Utility Engineer a Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance was previously awarded to Mathis Construction Co. Inc., of Little Egg Harbor Township, New Jersey; and

WHEREAS, per Resolution 185 of 2023 and with the recommendation of the Sewer Utility Engineer the contract was extended for the first one year extension option; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Mathis Construction Co., Inc.,

<u>Description</u>	<u>Amount</u>
Emergency Sanitary Repairs and Miscellaneous Maintenance Contract November 15 th 2023 – Bucknell Rd	\$27,736.15

Resolution No. 256 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan stated that this resolution will be beneficial to the City and thanked City Administrator Frost and Sewer Operator Steve Hornig.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

No. 256 of 2023

Subject: Resolution Authorizing the City of Somers Point to Enter into a Shared Services Agreement with the Egg Harbor Utility Municipal Utilities Authority for the Purposes of Sharing Sanitary Sewer Maintenance Services

Introduced by: Council President Johnston

WHEREAS, the "Uniform Shared Services and Consolidation Act," **N.J.S.A.** 40A:65-1 et seq. ("Act"), allows any local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, **N.J.S.A.** 40A:65-5 requires the adoption of a resolution by the local units in order to authorize the execution of a shared services agreement; and

WHEREAS, the City of Somers Point ("City") and the Egg Harbor Utility Municipal Utilities Authority ("Utility") have determined it to be in the mutual interest of each body to share in certain Routine Maintenance Services in connection with the sanitary sewer system(s) over which it has operational responsibility including the municipalities of Egg Harbor Township and the City of Linwood (the "System"); and

WHEREAS, the City wishes to enter into a shared services agreement ("SSA") with the Utility for the purpose of setting forth the terms, conditions, and obligations of each party regarding Routine Maintenance Services in connection with the sanitary sewer system(s), which will benefit both the City and the Utility by increasing the efficiency and decreasing the net cost of those services effective January 1, 2024; and

WHEREAS, Agreement shall commence on January 1, 2024 (the "Effective Date") and shall terminate December 31, 2026, unless extended or terminated by parties as set forth herein.

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

1. The Mayor shall be and is hereby authorized to execute the Shared Services Agreement with the Egg Harbor Utility Municipal Utilities Authority for certain Routine Maintenance Services in connection with the sanitary sewer system(s), subject to such modifications as required and authorized by the City Administrator, Sewer System Operator, and City Solicitor.
2. A copy of the SSA shall be filed with the Division of Local Government Services, Department of Community Affairs, in accordance with the Uniform Shared Services and Consolidation Act. **N.J.S.A.** 40A:65-4(b).
3. The SSA shall take effect upon the adoption of appropriate resolutions by both parties thereto, and execution of agreements authorized thereunder. **N.J.S.A.** 40A:65-5(c).
4. The City Council of the City of Somers Point hereby acknowledges the terms and conditions of the Shared Service Agreement in accordance with the accompanying

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

exhibits, which are attached hereto and made a part hereof.

Resolution No. 257 of 2023

M/S- McCarrie/Bruno

This resolution was adopted by unanimous vote of those present.

No. 257 of 2023

Subject: A Resolution In Support of an Aspire Application to the New Jersey Economic Development Authority for an Affordable Housing Development to be Owned, Operated, Managed and Constructed by Oasis at Greate Bay, LLC, and entity affiliated with JAS Group Enterprise, Inc. on Block 1943, Lots 2 and 3, Block 1944, Lot 3, Block 1945, Lot 2.02 and Block 1946, Lot 1, more commonly known as 901 Mays Landing Road

Introduced By: Council President Johnston

WHEREAS, Oasis at Greate Bay, LLC, a New Jersey limited liability company (“Oasis at Greate Bay”), which is affiliated with JAS Group Enterprise, Inc., (“JAS” and together with Oasis at Greate Bay, the “Sponsor”) proposes to construct a multi-family rental development consisting of forty-two (42) very-low, low and moderate income dwelling units, and one unrestricted unit for the Project superintendent, in four detached buildings (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (“N.J.S.A. 55:14K-1 et seq.”) the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the City of Somers Point (hereinafter referred to as the “Municipality”) on the site described as Block 1943, Lots 2 and 3; Block 1944, Lot 3; Block 1945, Lot 2.02; and Block 1946, Lot 1 as shown on the Official Assessment Map of the City of Somers Point, Atlantic County and more commonly known as 901 Mays Landing Road, Somers Point, New Jersey; and

WHEREAS the Somers Point City Council on September 14, 2023, at the request of JAS adopted a Resolution of Need, being Resolution 207 of 2023, in support of a financing application to be filed by JAS with the New Jersey Housing Mortgage Finance Agency (hereinafter “NJHMFA”); and

WHEREAS the Sponsor will be filing an application with the New Jersey Economic Development Authority (hereinafter the “NJEDA”) requesting an award of financing from the NJEDA under the Aspire Tax Credit Program in order to financially advance the development of the Project; and

WHEREAS the Sponsor has requested the governing body of the City of Somers Point to adopt a separate Resolution in support of said application, to be accompanied by a letter of support to the NJEDA signed by the Somers Point Mayor; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS the Project will be further subject to any rules and regulations of the NJEDA in order to receive funding under the Aspire Tax Credit Program; and

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

- (1) The Council supports the Sponsor's application to the NJEDA for Aspire Tax Credits.
- (2) The Mayor is hereby authorized to execute and deliver to the NJEDA the letter of support in form attached hereto to be accompanied by a certified copy of this Resolution.

Resolution No. 259 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan congratulated Emerald Hornig.

No. 259 of 2023

Subject: Employee Advancement of Emerald Hornig

Introduced By: Council President Johnston

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 Commission Policies and Procedures; and

WHEREAS, Emerald Hornig has been employed by the City of Somers Point since September 12th, 2016, has performed the duties of Clerk 2 in the Tax Collector's Office in addition to recently passing an exam to receiving the Certification of Municipal Tax Collector; and

WHEREAS, the Municipal Tax Collector, City Administrator, and City Council Personnel Committee have recommended that Emerald Hornig be promoted; and

WHEREAS, adequate funds are available within the Municipal Tax Collection operations in the 2023 Budget for this promotion.

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

- 1.) Effective January 1st 2024 the salary of Emerald Hornig will be in accordance with the designation of Deputy Tax Collector 3, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which for 2024 is \$51,770.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Resolution No. 260 of 2023

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member Dill explained the thorough process of employee advancements and congratulated both Emerald Hornig and Brianna McNair.

No. 260 of 2023

Subject: Employee Advancement of Brianna McNair

Introduced By: Council President Johnston

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 Commission Policies and Procedures; and

WHEREAS, Brianna McNair has been employed by the City of Somers Point since March 1st, 2015, has performed the duties of Bookkeeper 3 in the Department of Finance in addition to completing coursework towards her Certified Municipal Finance Officer Certification; and

WHEREAS, the Municipal CMFO, City Administrator, and City Council Personnel Committee have recommended that Brianna McNair be advanced; and

WHEREAS, adequate funds are available within the Finance Office operations in the 2023 Budget for this promotion.

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

- 2.) Effective January 1st 2024 the salary of Brianna McNair will be in accordance with the designation of Bookkeeper 2, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which for 2024 is \$51,200.

Resolution No. 262 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 262 of 2023

Subject: Hiring a Full-Time Public Safety Telecommunicator

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Introduced By: Council President Johnston

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, Heather Imperatore has served in the capacity as a Part-Time Public Safety Telecommunicator here in Somers Point; and

WHEREAS, Mayor John L. Glasser, Jr. and Police Chief Robert Somers have recommended that Heather Imperatore be appointed to the full time position of Public Safety Telecommunicator; and

WHEREAS, adequate funds are available within the Police Department operations in the 2023 Budget for this promotion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Heather Imperatore is hereby appointed to the position of full time Public Safety Telecommunicator Trainee, Civil Service Title Code 01296, effective December 1st, 2023.

BE IT FURTHER RESOLVED that, beginning on the date of her full-time employment, Heather Imperatore shall be paid the annual salary of \$34,390 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. 263 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 263 of 2023

Subject: Authorizing the Hiring of Deputy Court Administrator Tyler J. Czerwinski

Introduced by: Council President Johnston

WHEREAS, due to an employee advancement, it is necessary to appoint a Deputy in the Municipal Court Department; and

WHEREAS, the procedure for appointing a Deputy Municipal Court Administrator is directed by the Administrative Offices of the Court; and

WHEREAS, those procedures require advertising the position, interviews of the qualified candidates by representatives of the Court Vicinage and the City, and approval of the selected candidate by the Court Vicinage Assignment Judge; and

WHEREAS, three candidates were selected to be interviewed with interviews being held on December 1st, 2023; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS, Tyler J. Czerwinski was selected by the interview committee and his selection was subsequently approved by the Court Vicinage Assignment Judge; and

WHEREAS, the Municipal Court Administrator recommended that Tyler J. Czerwinski be appointed as a Deputy Municipal Court Administrator and the City Administrator hired Tyler J. Czerwinski effective December 26th 2023.

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

- 3.) The appointment of Tyler J. Czerwinski to the position of Deputy Municipal Court Administrator, New Jersey Civil Service Local Government Job Specification 07796, within the Municipal Court Department effective December 26th, 2023 is hereby acknowledged.
- 4.) Effective December 26th 2023 the salary of Tyler J. Czerwinski will be \$42,648.00, in conformance with the Level 4 Deputy Court Administrator salary schedule in the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 264 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 264 of 2023

Subject: Change Order 2 – Contract No. 119– 2022 Stormwater Cleaning & Video Inspection

Introduced By: Council President Johnston

WHEREAS, in accordance with Resolution 193 of 2022, Mobile Dredging and Video Pipe of Newfield, New Jersey, was awarded the contract for the 2022 Stormwater Cleaning & Video Inspection for the sum of \$104,200.00; and

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

WHEREAS, in accordance with Resolution 127 of 2023, Change Order No. 1 for - \$18,489.50 was previously approved; and

WHEREAS, the Contractor, Mobile Dredging and Video Pipe, was asked to perform additional work under the contract after Change Order 1 was approved; and

WHEREAS, the City Engineer has recommended approval of these changes; and

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

Contract Amount	\$104,200.00
Change order 1	-\$18,489.50
Change order 2	\$15,259.80
Revised Contract Amount	\$100,970.30

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Total Deduction: \$3,229.70 Total Additional: \$0 Net Change: -3.10%
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2022 Stormwater Cleaning & Video Inspection is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 265 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

Council President Johnston explained that this resolution was requested by the League of Municipalities and affects every municipality in the county.

No. 265 of 2023

Subject: Urging the Legislature to Recognize and Undertake Action Relative to Insurance Costs Imposed on Somers Point and other Municipalities

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

WHEREAS, Local Governments are facing the largest budget increase for property/casualty insurance since the mid-1980s; and

WHEREAS, The property/casualty budgets for the typical municipality have already experienced a 20% to 25% increase since 2021, and will experience another approximate 12% to 20% increase in 2024; and

WHEREAS, New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

WHEREAS, Workers' Compensation premiums have escalated employee claims are now being reopened to four and five times, whereas in the past they were rarely reopened more than once; and

WHEREAS, Workers' Compensation premiums have also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by pension plans; and

WHEREAS, Another recent law has created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

WHEREAS, During the COVID-19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

WHEREAS, Liability has increased because of the erosion of Title 59 protections in New Jersey's courts. There is now a reluctance in the courts to grant summary judgement dismissing

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

WHEREAS, The recent amendment in the sexual molestation statute of limitations has also increased Title 59 liability costs. In some cases, municipalities are being sued based on allegations going back to the 1970s; and

WHEREAS, Property premiums are increasing rapidly because of the frequency of large natural disasters which have almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

WHEREAS, Property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage since the Covid-19 Pandemic; and

WHEREAS, Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are now finding it difficult to purchase any coverage.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Somers Point, in recognizing the seriousness of this budget crisis relative to insurance costs, hereby urges as follows:

1. The Legislature to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
2. The Legislature to adopt legislation strengthening the limitations of claims under Title 59, as well as either limiting the amount of times a Worker's Compensation claim can be reopened, or limiting the time within which such claims can be reopened; and
3. The Administration and the Legislature not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
4. The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

BE IT RESOLVED by the City Council of Somers Point that the City Clerk is hereby directed to send a copy of this resolution to Governor Murphy, as well as the State Senator and Assembly Persons of District 2.

Resolution No. 266 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 266 of 2023

Subject: Resolution Authorizing the Usage of Contracts With Approved State Contract Vendor FP Mailing Solutions Pursuant To N.J.S.A. 40A:11-12(A) & N.J.A.C. 5:34- 7.29(C)

Introduced By: Council President Johnston

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

WHEREAS, the City of Somers Point pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bid proposals, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any contracts entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Somers Point has the need, on a timely basis, to purchase goods or services by utilizing New Jersey State Contract vendors; and

WHEREAS, the City of Somers Point may enter into contractual agreements with State Contract Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the New Jersey Local Public State Contracts Law; and

WHEREAS, the City of Somers Point does hereby repeal the previously passed Resolution No 169-2023 Authorizing the Usage of Contracts with Approved State Contract Vendor Xerox Corporation Pursuant to N.J.S.A. 40A:11-12(a) & N.J.A.C. 5:34- 7.29(c) and reenacts with the amended State Contract Information upon the effective date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City's Qualified Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors, Francotyp Postalia Inc DBA FP Mailing Solutions (State Contract 41263) Mailroom Equipment and Maintenance, Expiration 4/14/2024 pursuant to all conditions of the individual State Contracts:

ITEM: **(1) PostBase Vision Advanced – A9 Post Base
Machine**
TOTAL PRICE: **\$ 10,020.00 (5 Year – 60 Month Lease Agreement/
\$182.00 mo)**
STATE CONTRACT NO: **State Contract 41263 : Mailroom Equipment and
Maintenance, Expiration 4/14/2024**

BE IT FURTHER RESOLVED, that the named State Contract Vendors and their corresponding numbers may be subject to change and that the City Purchasing Agent is hereby authorized to make the necessary adjustments as required for the City to continue its routine procurement practices throughout the indicated timeframe.

BE IT FURTHER RESOLVED, that the City Council of the City of Somers Point, pursuant to N.J.A.C. 5:30-SS(b), the certification of available funds and that no contract amount shall be chargeable or certified until such times as the goods or services are ordered or otherwise called for prior to placing the order and a certification of availability of funds shall be made by the City's Chief Financial Officer.

Consent Agenda Resolutions:

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

No. 249 of 2023

Subject: Chapter 159 Resolution – National Opioids Settlement

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

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 \$1,090.85 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$1,090.85 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:

National Opioids Settlement \$1,090.85

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$7,299.53 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:

National Opioids Settlement \$1,090.85

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

No. 255 of 2023

Subject: Authorizing the Usage of Contracts with Approved State Contract Vendor Xerox Corporation Pursuant to N.J.S.A. 40A:LL-12(A) & N.J.A.C. 5:34- 7.29(C)

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point pursuant to N.J.S.A. 40A: 11-12(a) and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bid proposals, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

contracts entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Somers Point has the need, on a timely basis, to purchase goods or services by utilizing New Jersey State Contract vendors; and

WHEREAS, the City of Somers Point may enter into contractual agreements with State Contract Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the New Jersey Local Public State Contracts Law; and

WHEREAS, the City of Somers Point does hereby repeal the previously passed Resolution No 169-2023 Authorizing the Usage of Contracts with Approved State Contract Vendor Xerox Corporation Pursuant to N.J.S.A. 40A:11-12(a) & N.J.A.C. 5:34- 7.29(c) and reenacts with the amended State Contract Information upon the effective date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City's Qualified Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors, XEROX CORPORATION (State Contract 24-FOOD-57004) Copiers & Managed Print Services, Expiration 7/31/2024 pursuant to all conditions of the individual State Contracts:

ITEM:	(2) Xerox AltaLink C8145/H2 Multifunction Printers
TOTAL PRICE:	\$ 15,184.80 (5 Year – 60 Month Lease Agreement)
STATE CONTRACT NO:	24-FOOD-57004– XEROX CORP. - COPIERS & MANAGED PRINT SERVICES – EXP 07/31/2024

BE IT FURTHER RESOLVED, that the named State Contract Vendors and their corresponding numbers may be subject to change and that the City Purchasing Agent is hereby authorized to make the necessary adjustments as required for the City to continue its routine procurement practices throughout the indicated timeframe.

BE IT FURTHER RESOLVED, that the City Council of the City of Somers Point, pursuant to N.J.A.C. 5:30-SS(b), the certification of available funds and that no contract amount shall be chargeable or certified until such times as the goods or services are ordered or otherwise called for prior to placing the order and a certification of availability of funds shall be made by the City's Chief Financial Officer.

No. 268 of 2023

Subject: Resolution Releasing the On-Site Performance Guarantee for Sunset Ave Developers, LLC

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Introduced By: Council President Johnston

WHEREAS, Sunset Avenue Developers, LLC, requested the City of Somers Point release its Onsite Performance Guarantee posted for Sunset Avenue Developers, LLC, Block 1214, Lots 9, 10, 11, 12, & 16, in the amount of \$412,506.00 to guarantee the completion of onsite improvements Sunset Avenue Developers, LLC; and

WHEREAS, the City Engineer reviewed this request and inspected the project and determined that said Onsite Performance Guarantee can be released, as set forth in their December 11, 2023 letter attached hereto and incorporated by reference herein; and

WHEREAS, Sunset Avenue Developers shall post a Maintenance Guarantee valid for two (2) years for 15% of the Performance Guarantee (\$61,875.90) prior to the release of the Performance Guarantee; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that based on the City Engineer’s letter dated December 11, 2023, attached hereto and incorporated by reference herein, it hereby releases the Onsite Performance Guarantee subject to the posting of a Maintenance Guarantee

Old Business:

None

New Business:

- The 2023 Reorganization Meeting was scheduled for January 5, 2024, at 7pm.
- City Council unanimously approved a Social Affair Permit for Roberts Johnson Post 2189 VFW for an event on 12/29/2023 from 6PM-11 PM.
- City Council discussed and decided to keep the City Council Meetings at 7:00 pm.

Discussion of Bills:

Administrator Frost reported a Record of Payment dated 11/29/23 in the amount of \$200.00, a Record of Payment dated 12/1/23 in the amount of \$16,447.01, a Record of Payment dated 12/1/23 in the amount of \$18,277.73, a Record of Payment dated 11/16/23 in the amount of \$75,683.66 and a Bill List dated 12/12/23 in the amount of \$2,299,215.25.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 14, 2023**

Public Portion:

The meeting was duly opened to the public.

Dr. Goldberg of Somers Point asked City Council to reconsider the fee imposed in Ordinance No. 25 of 2022.

The Owner of Somers Point Diner started by thanking City Council for their condolences after losing his father, next, he complained about the outcome of a meeting he had with Council Members McGuigan and McCarrie.

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

Payment of Bills:

M/S: Owen/Dill

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:

Mayor Glasser thanked everyone for the accolades he received.

City Council Members reiterated their best wishes to Mayor Glasser.

Council President wished everyone a happy holidays and New Year.

Adjournment:

There being no further business to come before City Council, Council Member DePamphilis moved, Council Member Bruno seconded and carried to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 1/11/2024