

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

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 Samuelson, City Solicitor Thomas Smith, and City Engineer Greg Schneider

Open Public Meetings Act:

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

Council President Johnston pulled Resolution 227 from the agenda. On the motion of Council Member McGuigan, seconded by Council Member Dill and carried to approve a 48-hour waiver to add Resolution 231 to the agenda.

Public Portion on Resolution Number 231:

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

Resolution No. 231 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan thanked Carol and Lisa for their time spent creating such an important event. He stated they made a difference and are an example for others. He is proud of their hard work. Council Member McGuigan presented framed Resolutions to Carol and Lisa.

No. 231 of 2022

**Saluting the efforts of Carol Milligan and Lisa Mell to Support
The Community Food Bank of New Jersey**

WHEREAS, The Community Food Bank of New Jersey (CFBNJ), a member of Feeding America®, is the leading anti-hunger and anti-poverty organization in the state of New Jersey; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

WHEREAS, CFBNJ’s mission is to fight hunger and poverty in New Jersey by assisting those in need and seeking long-term solutions, they engage, educate and empower all sectors of society in the battle; and

WHEREAS, many of our neighbors face challenges in keeping food on the table and their families fed during these uncertain economic times; and

WHEREAS, long time Somers Point residents Carol Milligan and Lisa Mell recognize the need to support our neighbors in need and the Food Bank, especially during this holiday season; and

WHEREAS, for the past few years these two ladies have reached out to their circle of friends and families and organized a “Holiday Happy Hour Food Drive”; and

WHEREAS, this year’s event was held on Monday December 12th at the iconic restaurant and tavern, Gregory’s, and was a huge success by any measure with lots of good cheer and fellowship shared while a pick-up truck was filled to the point of overflowing with various can goods and over 600 dollars was raised, all to be delivered to the Food Bank; and

Now therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point, on behalf of our citizens, salute the efforts of Mrs. Lisa Mell and Mrs. Carol Milligan as well as their generosity in support of a very worthwhile cause; and

It is further **RESOLVED** that the City Council of Somers Point notes that Carol and Lisa are two of many shining stars in this community that help make Somers Point a great place to live; and

It is further **RESOLVED** that the City Council wishes Lisa and Carol, as well as their families, a healthy and happy holiday season and a Merry Christmas.

Communications:

None

Mayor’s Report:

Mayor Glasser gave kudos to everyone who helped put together the Holiday parade. He also thanked the Sub Vets, AMVETS, American Legion and the Legion Riders for participating in the Pearl Harbor Day Ceremony. Mayor Glasser mentioned Mainland High School is putting on a concert in support of our Troops and invited everyone to attend. He also mentioned the Christmas mart that was held at the Somers Mansion and mentioned he is pleased that the grounds at the Mansion are being utilized. He thanked everyone for their work in putting that event together.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Administrator’s Report:

None

Solicitors Report:

None

Engineers Report:

Engineer Schneider reported construction will begin wrapping up for the winter. He mentioned next week paving will begin on Wilson, Whitman and Defeo. He reported the 2022 Road Program has been completed on Dartmouth and Rutgers Roads. He also mentioned bids were received for the Bay Avenue lighting but that it will be rejected as only one bid was received, and it was over budget. The project will be rebid. Engineer Schneider mentioned the Bike Path amenities bids did come in under budget; however, they must be approved by the State which is why it was pulled from tonight’s agenda. Engineer Schneider listed some projects that were completed in 2022 such as the repaving of West Atlantic Avenue, installation of bike lanes on Mays Landing Road, Storm Water repairs including replacing approximately one mile of stormwater that was in poor condition and failing. All or most of these projects were completed with help from grants received. He mentioned the City completed the five-year renewal of the Community Rating System and the City was able to retain the discount for flood insurance. The City has already received grants for projects in 2023 such as Ocean Avenue Phase I and Phase II and Shore Road pedestrian improvements from the DOT. Only 29 municipalities in the State were awarded grants and Somers Point was the second highest.

City Council President Johnston thanked Engineer Schneider for his work on obtaining grants.

Committee Reports:

Council Member McGuigan reported the solar project on Defeo Lane has been awaiting approval from the Board of Public Utilities, which it has now received. The contractor is working on obtaining permits and the project should begin in the coming months. He also reported the Atlantic County Utilities Authority will be increasing their tipping fees by 11% and the wastewater fees by 8%.

Council President Johnston reported the Short-Term Rental Committee met with the Police Department, Code Enforcement Officer and the City Clerk’s office and has made recommendations for changes to the short-term rental ordinance such as Mercantile License fee of \$150.00 renewed annually. In order to obtain a mercantile license, the property must be inspected. The inspection fee recommendation was

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

\$250.00. If the inspection fails for any reason; the reinspection fee recommendation was \$100.00. The mercantile license must be displayed on the front of the property. The owner must complete a certification of self-compliance stating they will comply with all local ordinances. Violations will be fined \$1,500.00 per violation to the owner. Violations will be determined by the Police Department and/or the Code Enforcement Officer. After three violations the mercantile license will be revoked. The Committee also recommends a four-night minimum stay, occupancy limits of two people per bedroom plus two. Prohibited properties should include basements, attics, trailers, swimming pools and individual rooms. They also recommend a 6% tax paid to the City on all rentals.

City Council and Solicitor Smith discussed these recommendations and agreed to continue discussions.

Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Dill and carried to approve the Regular Meeting Minutes of 11/10/2022.

Ordinances:

Ordinance No. 25

M/S- McCarrie/Dill

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. 25 of 2022

**AN ORDINANCE ESTABLISHING A REGISTRY FOR BUSINESS
AND RENTAL INSURANCE CERTIFICATES IN THE CITY CODE.**

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

WHEREAS, the aforesaid legislation, in recognizing the additional burden imposed upon the municipalities in connection with the necessitated record keeping, has authorized municipalities to enact by ordinance implementing a reasonable administrative fee for the registration of said insurance certificates; and

WHEREAS, the aforesaid legislation became effective on November 3, 2022.

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

1. All business owners and owners of rental units shall register a certificate insurance as required by the aforesaid legislation with the office of the City Clerk on an annual basis on or before January 10 of each year.
2. An administrative fee of \$150.00 shall be collected by the City Clerk for the registration of all such insurance certificates.
3. Any owner who fails to comply with the provisions of this Ordinance shall be subject to a fine of not less than \$500.00 nor more than \$5,000.00 for each violation.
4. Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
6. This amended ordinance shall take effect upon its final passage and publication as required by law.

Resolutions:

Clerk Samuelson read by title only the list of resolutions.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Public Portion Resolutions:

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

Resolution No. 223 of 2022

M/S- Owen/McCarrie

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

No. 223 of 2022

Subject: Cancellng Certain Capital Improvement Appropriation Balances

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

WHEREAS, certain Capital Improvement appropriation balanced remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to surplus and any associated unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following unexpended and dedicated balances of Capital Appropriations be hereby cancelled:

<u>Ordinance Number</u>	<u>Date Authorized</u>	<u>Project Description</u>	<u>Funded</u>	<u>Unfunded</u>
<u>General Capital</u>				
05-09	04/09/2009	Public Safety Equipment	--	3,450.24
07-12	06/28/2012	Public Safety Equipment	--	212.86
16-14	06/12/2014	Public Safety Equipment	--	690.56
13-15	04/30/2015	Public Safety Equipment	--	5,245.34
01-17	02/23/2017	2017 Road Program	--	3,546.75

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Resolution No. 224 of 2022

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 224 of 2022

Subject: A Resolution Authorizing the Cancellation of Taxes Pursuant to the Disabled Veterans Act (N.J.S.A. 54:4-3.30, et seq;L.1948, c.259 as amended) for Block 1941, Lot 5.02, Qualifier C0068 in the City of Somers Point

Introduced by: Council President Johnston

WHEREAS, Joseph P. Besse, a Somers Point resident and owner of certain lands known as Block 1941 Lot 5.02, Qualifier C0068 (and more commonly known as 68 Bayview Drive) qualifies as a disabled veteran under the Disabled Veterans’ Act.

WHEREAS, Joseph P. Besse, was deemed to have a wartime service-connected disability with a 100% permanency rating; and

WHEREAS, Joseph P. Besse,, filed with the Tax Assessor’s Office of Somers Point, a claim for property tax exemption on the Dwelling of a Disabled Veteran pursuant to the terms of N.J.S.A 54:4-3.30, et seq; and

WHEREAS, the City’s Tax Assessor, Sean M. Gaskill, CTA, has determined that Joseph P. Besse meets the requirements for tax exemption on the issues of disability, war time service, ownership, residency and citizenship for the aforesaid property as required under the Disabled Veteran’s Act (N.J.S.A 54:4-3.30, et seq), and has assigned an exempt status to the property with an effective date of 11/23/2022.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that taxes in the amount of \$709.41 for 2022 and \$3,266.12 for 2023 shall be cancelled.

Resolution No. 225 of 2022

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

No. 225 of 2022

Subject: Authorization to Apply for and Accept a Neighborhood Preservation Program Grant from the New Jersey Department of Community Affairs

Introduced By: Council President Johnston

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

WHEREAS, the New Jersey Department of Community Affairs is accepting applications for the Neighborhood Preservation Program (NPP) for Year 2; and

WHEREAS, this program focuses on threatened but viable neighborhoods – those neighborhoods that will be able to use the program’s assistance to arrest decline and leverage

their existing assets to spur economic development. The program also concentrates on neighborhoods with the potential for mixed use development, to encourage small business job creation and invite greater business and community investment in economic development; and

WHEREAS, in 2021 the City received NPP funds to fund improvements at the Tubman Museum and the Allen AME Church and COVID relieve funds to assist nine small businesses; and

WHEREAS, successful applicants will receive an award of \$125,000 to be expended over a 12-month grant period from January 1, 2023 through December 31, 2023; and

WHEREAS, this program is available to select municipalities in the State of New Jersey; 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.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Somers Point formally authorizes this application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 226 of 2022

M/S- Dill/Owen

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

No. 226 of 2022

Subject: Budget Appropriation Transfer

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

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 2022 budget transfer as specified in this resolution.

Current Fund

From:

Police S&W	2-01-25-240-101	\$66,469.07
<u>Traditional Plan Health Ins</u>	<u>2-01-23-220-284</u>	<u>\$65,000.00</u>
		\$131,469.07

To:

Public Employee Retirement System	2-01-36-471-111	\$8,371.31
Police and Fire Retirement System	2-01-36-475-111	\$58,097.76
Public Works OE	2-01-26-300-200	\$10,000.00
Sanitation OE	2-01-26-305-200	\$30,000.00
<u>Vehicle Maintenance</u>	<u>2-01-26-315-200</u>	<u>\$25,000.00</u>
		\$131,469.07

Resolution No. 227 of 2022

M/S- PULLED

This resolution was pulled from the agenda.

No. 227 of 2022

PULLED

**Subject: Awarding Bid for the Somers Point Bike Path Enhancements -
Contract No. 115
Federal Project No. CMAQ-1038(302), NJDOT Job No. 5521310**

Introduced By: Council Member Dill

WHEREAS, on December 2, 2022 the City of Somers Point received bids for the Somers Point Bike Path Enhancements (Federal Project No. CMAQ-1038(302), NJDOT Job No. 5521310); and

WHEREAS, Ocean Construction, LLC of Williamstown, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Ocean Construction, LLC of Williamstown, New Jersey in the amount of \$106,184.00.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

WHEREAS, the NJDOT Local Aid Office must also concur with this resolution awarding a contract to Ocean Construction, LLC of Williamstown, New Jersey in the amount of \$106,184.00.

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

- 1.) The Contract for Somers Point Bike Path Enhancements (Federal Project No. CMAQ-1038(302), NJDOT Job No. 5521310) is hereby awarded to Ocean Construction, LLC of Williamstown, New Jersey in the amount of \$106,184.00, subject to approval from the NJDOT Local Aid Office.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Ocean Construction, LLC of Williamstown, NJ signing on behalf of the City.
- 3.) The Mayor and City Clerk are hereby authorized and directed to sign all necessary forms required by NJDOT.

Resolution No. 228 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 228 of 2022

Subject: Rejecting Bids for Bay Avenue Replacement Lights
Introduced by: Council Member Dill

WHEREAS, on December 13, 2022, the City of Somers Point received bids for the Bay Avenue Replacement Lights; and

WHEREAS, based off an analysis of the bids received, the Engineer's cost estimate, and available funding, the City Engineer has recommended that the City reject all bids and rebid the project;

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

- 1.) All bids received for the Bay Avenue Replacement Lights are formally rejected.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

2.) The City Engineer is authorized to rebid the project reducing the project scope.

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.

Resolution No. 229 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 229 of 2022

Subject: Authorizing a Contract for Appraisal Services for Litigation Purposes

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

WHEREAS, Tax Appeals have been filed on behalf of HPT IHG – 2 Properties in connection with its property located at 900 Mays Landing Road in Somers Point for the tax years 2018 through 2021; and

WHEREAS, it has been determined that it is necessary for the City to retain the services of an appraiser in connection with this litigation; and

WHEREAS, the City has obtained a proposal for the performance of supplying a trial ready appraisal report for said property by J. Paul Bainbridge & Associates, Inc., in the amount of \$4,900.00; and

WHEREAS, the City wishes to retain the services of J. Paul Bainbridge & Associates, Inc., in connection with the aforesaid litigation as a professional service contract without competitive bidding; and

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the Mayor is hereby directed to enter into an agreement with J. Paul Bainbridge & Associates for the purpose of providing a trial ready appraisal in connection with the matters of HPT IHG – 2 Properties vs. Somers Point City (Docket Nos. 0053-2018, 002101-2019, 003548-2020 and 003141-2021).

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Resolution No. 230 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 230 of 2022

Subject: Authorizing Purchase on State Contract

Introduced By: Council President Johnston

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

WHEREAS, the City of Somers Point has identified a need to purchase a New Boiler System for use by the City of Somers Point, City Hall Building; and

WHEREAS, pursuant to Resolution 221 of 2022, Multi Temp Mechanical Inc of Westville New Jersey was awarded State Contract Number 88695 – HVAC, Refrigeration, and Boiler Services with an expiration of October 31st 2023; and

WHEREAS, the Director of Public Works in conjunction with the Business Administrator has researched the equipment available and recommends the utilization of Temporary Boiler Services provided by Multi Temp Mechanical Inc of Westville New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following cost-not-to-exceed purchase from Multi Temp Mechanical Inc based on a quote furnished dated December 15th 2022:

Description

Amount

Temporary Boiler Services

\$41,842.00

During period of Boiler Replacement Project

State Contract Number 88695 –

HVAC, Refrigeration, and Boiler Services

Total
\$41,842.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Old Business:

Council Member McCarrie stated this past year, work was done to get ideas regarding installation of a dog park. He would like to see that project completed in 2023.

New Business:

The 2023 Reorganization Meeting was scheduled for January 6, 2023, at 7pm.

City Council unanimously approved a waiver of raffle fees for the American Legion Pull Tab Licenses.

City Council unanimously approved a Social Affair Permit for 609 Cornhole New Jersey Inc for an event on 1/6/2023 from 5PM-12 AM and on 1/7/2023 from 10AM-8PM.

Council Member McCarrie would like the City to look for a place to install an electric vehicle charging station and encouraged the City to consider replacing vehicles with electric vehicles. He also mentioned the dangers of TikTok.

Council President Johnston mentioned some of the projects accomplished in 2022 such as negotiated a PILOT agreement with Somers Point Apartments, bargaining with three separate units of PBA, negotiated three development agreements, held a successful farmers market this summer, working closely with Egg Harbor Township on improving ambulance services by hiring more full time EMTs and having them stationed here in Somers Point for faster response times. Council President Johnston thanked all the volunteers in the City for the many successful events in Somers Point throughout the year.

Council Member Owen thanked the Economic Development Advisory Commission and their Chair John Helbig for their hard work, including the work to make Somers Point a Bike Friendly Community and for the installation of bike racks throughout the City. He also thanked the City Planner for his work to help obtain grants throughout the year.

Discussion of Bills:

Administrator Frost reported a record of Payments dated 12/09/2022 in the amount of \$2,802.57, a record of Payments dated 11/23/2022 in the amount of \$4,343,496.65, a record of Payments dated 11/14/2022 in the amount of \$99.00, and a Bill List dated 12/13/2022 in the amount of \$1,670,189.17.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Public Portion:

The meeting was duly opened to the public.

Joe Haas from Bridgeton representing Planet Networks, a fiber optic for home internet, reported his company is running fiber optic cables throughout the area.

Jill Middleton of Horter Avenue questioned if the short-term rental rules will apply to hotels/motels.

Catherine Powers of Crestview Drive stated her disagreement of the short-term rental recommendations.

Carmen Melendez of Bala Drive stated her concern with displaying her short-term rental property address and the proposed four-night minimum.

Jenna Sullivan of Gibbs Avenue thanked City Council for all they do. She also agreed that she does not want to display her short-term rental address and opposed the proposed four-day minimum.

Robert Gabriel of Egg Harbor Township mentioned he does not agree with the short-term rental recommendations.

Richard Ingman of Washington Township expressed his concerns about the short-term rental recommendations.

Bob Idell of Ocean City gave his thoughts on short-term rentals.

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

Payment of Bills:

M/S: Owen/Bruno

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

Comments from the Governing Body:

Council Member DePamphilis mentioned there has also been much opposition to short-term rental properties in the City, and the Committee has spent a lot of time working to come up with a compromise for both sides. He mentioned that at this time, these are only recommendations to be considered by City Council.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 15, 2022**

Council Member Dill reiterated these are only recommendations regarding short-term rentals and there will be further discussions and public comment.

Council Member McCarrie thanked the public for their input.

Mayor Glasser and City Council wished everyone a safe and happy holiday.

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 8:40 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 1/12/2023