

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 23, 2023**

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

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

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, City Solicitor Smith, and City Engineer Schneider

Absent:

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.

Communications:

- Council Member McGuigan read a letter from a Somers Point resident who urged the City Council to confront the issue of Short-Term Rentals and emphasized their opposition.
- Council Member McCarrie thanked Council President Johnston for keeping him informed and up to date while out sick.

Mayor’s Report:

Mayor Glasser mentioned that the 1812 War Memorial, located at Bay Avenue and New Jersey Avenue, is in need of repair. Two students from the Atlantic County Institute of Technology, who are also Somers Point residents, have been tasked with creating a plan to improve the Memorial. The plan will be brought to the Veterans Advisory Board and then to the City Council for approval. Next, he stated that he will be attending the monthly Mayor’s Association on February 24th in Smithville.

Administrator’s Report:

None

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Solicitors Report:

None

Engineers Report:

City Engineer Schneider reported that on February 21st, Senator Polistina had a meeting with the New Jersey Department of Environmental Protection (NJDEP) and various municipalities throughout Atlantic and Cape May Counties, to go over concerns about the new rules proposed by NJDEP for NJ PACT, Protecting Against Climate Threats. The NJDEP is proposing new restricted flood zones based on sea level rise for the year 2100. The NJDEP has been receptive to the concerns and will come back with suggestions. In addition, Somers Point will continue to be involved in the process. He then stated that on February 28th, there will be a pre-construction meeting for the Bay Avenue Lights Replacement. The project is underway, and the contractor plans on installing conduits before the summer season so that the road will be accessible. Lastly, he mentioned that in the next couple of weeks, sharrows, symbols to share the road with bicycles, will be installed on Bethel Road and Bay Avenue. They are not bike lanes, just symbols, and they will earn the City points as part of the NJ Bicycle Friendly Community.

Council President Johnston, who also attended the NJ PACT meeting, wanted to inform everyone that the City is paying close attention and will continue to stay on top of it.

Committee Reports:

- Council Member Bruno shared that Garden Club is working on the four corners gardens, and the community garden at the Somers Mansion in preparation for Spring. She also announced that the speaker for next month is Damon Smith, from Reed's farm in Egg Harbor Township.
- Council Member Dill met with the Planning Board and discussed the Waterfront Marina's amended site plan approval. After discussion with the City Solicitor, City Engineer, and from testimony given, the amended plan was approved with the condition that the Waterfront Marina will give the public access to the bay through their property. The Waterfront Marina agreed, and the public bay access will be marked accordingly.

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Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Bruno and carried to approve the Regular Meeting Minutes of 2/9/2023.

Ordinances:

Ordinance No. 7 of 2023

(First Reading/Introduction)

M/S- Owen/McCarrie

The ordinance was adopted by a roll call vote of those present. The votes recorded as follows:

- Owen – Yes
- Bruno – Yes
- DePamphilis – Yes
- McCarrie – Yes
- McGuigan – No
- Dill – Yes
- Johnston - Yes

Council Member McGuigan asked for clarification on how the Short-Term Rental Subcommittee went from recommending a four-day minimum stay to a three-day minimum. He also stated that in other municipalities, such as Linwood and Egg Harbor Township, have a 30-day minimum; Ventnor has a one week minimum, and Longport is also considering amending their ordinance to require a one week minimum. He opined that Somers Point is not protecting its neighbors like the other cities.

Council President Johnston explained that the three-day minimum stay was a compromise between the two-day minimum that it used to be, and the four-day minimum that the Short-Term Rental Subcommittee recommended. In addition, based on the public comments, the Committee felt that the three days were a good compromise. Furthermore, the consensus from the Short-Term Rental operators was that 4 days was too many, and they would lose business.

Council Member Dill recalled that the people involved with Short Term Rentals felt that because most people do weekends or three-day weekends, the four-day minimum would be a hardship to them, and three days would be better for attracting Short Term Rental or Airbnb clients.

No. 7 of 2023

An Ordinance Amending and Supplementing the Somers Point Municipal Code Chapter 169, Littering and Property Maintenance; Article V, Registration and Inspection of Certain Rental Units, Apartments and Dwelling Units.

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WHEREAS, N.J.S.A. 40:52-1 authorizes a Municipality, by Ordinance, to license and regulate the rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

WHEREAS, on November 12, 2020, the City Council of the City of Somers Point in recognizing that there existed a growing business for short-term residential rentals available on the internet, passed Ordinance 10-2020, which addressed certain issues arising from the operation of such businesses in Somers Point; and

WHEREAS, the City Council of the City of Somers Point believes that it is important for purposes of health, safety and enjoyment of the residents of Somers Point, as well as those individuals who are renting these short-term residential rentals, to continue to provide oversight on this new form of business; and

WHEREAS, City Council has formed a committee to provide recommendations on how to ensure that the that the short-term residential rental business in Somers Point is run in an equitable manner; and

WHEREAS, based on recommendations of the aforesaid committee, City Council is now desirous of further amending and supplementing Chapter 169, Article V of the City's Code so as to provide further oversight of this growing business.

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

The Somers Point Municipal Code Chapter 169, Littering and Property Maintenance; Article V, Registration and Inspection of Certain Rental Units, Apartments and Dwelling Units, is hereby amended and supplemented to add or replace the following in the Sections denoted herein:

Section 169-46. Definitions.

FAMILY MEMBER

A person related by blood or marriage/civil union to the owner of the rental unit.

MARKETPLACE PLATFORM

Any electronic or internet-based advertising form used for the purpose of renting or leasing a short-term rental, including but not limited to through self-promotion, internet rental companies, or travel agencies.

MERCANTILE LICENSE

A business license as identified in §174-2 of Chapter 174 of the Code.

RENTAL FACILITY

Every building, group of buildings, or a portion thereof consisting of fewer than five dwelling units, which has sleeping facilities for fewer than 41 occupants, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

SUSTAINED COMPLAINT

Any credible complaint of a statutory, regulatory or local ordinance violation regarding conduct at, or in connection with the operation of a short-term rental which has been made by

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or to either the police, or the zoning official or code enforcement officer, or their designee, regardless of whether same results in charges being issued.

Section 169-47. Registration required; registration certificate; license.

C. Information to be provided in the registration certificate:

...

(3) (The following language shall be added at the end of this paragraph): If the address of the owner of record of a short-term rental is not located in Atlantic County, a managing agent, who is located within ten miles of Somers Point and available twenty-four hours a day to respond to any issues which may arise regarding any issues which may arise regarding the tenancy, rental unit or activities on the property where the rental unit is located, is hereby required.

...

(10) A certification that:

- (d) The rental facility or rental unit(s) are in compliance with the International Property Maintenance Code;
- (e) A certificate of occupancy or continuing certificate of occupancy has been properly obtained for each unit listed in this application; and
- (f) For those short-term-rentals to which the provisions of Chapter 228, Article II of the Code are applicable, notification of the requirement of the collection of taxes has been provided to all marketplace platforms used in connection with the solicitation of rentals of the rental unit.

...

(13) For all short-term rentals the requirements of Subsection **C(8)(c)**, **(d)** and **(i)** need not be provided at the time of said registration. However, this information is to be obtained, recorded and maintained in ledger form by said landlord and supplied to the Code Enforcement Officer of the City of Somers Point, or his/her designee, either upon demand or at the time of the annual inspection of said rental unit as set forth in Subsection **B** of § **169-48**. The applicant shall also provide on the registration form the following:

- (a) The maximum number of occupants that will be renting, occupying and/or staying at the property at any one time, which number shall not exceed either the restrictions imposed by N.J.A.C. 5:28-1.1, or that of two occupants per bedroom, plus two, whichever is the lesser of the two.
- (b) The identity of all marketplace platforms that the landlord will use in connection with the rental of the property.

...

G. All short-term rentals, as operating businesses, are also required to obtain a mercantile license as set forth in Chapter 174 of this Code, and in order to maintain said license may not be rented or leased out for a time period of less than three nights. A clear depiction of the subject's mercantile

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license shall be posted as a separate photo on any advertisement on a marketplace platform for the rental of the property.

Section 169-51. Occupancy and Use prohibitions.

A. It shall be unlawful and a violation of this article as to all rentals, regardless of time limit:

- (1) For a person to occupy any rental unit or for the owner or agent to permit occupancy of any rental unit within the City of Somers Point for which a registration certificate has not been filed and issued in accordance with this article. The owner of any rental unit bears the burden of proof in certifying that such premises is lawfully authorized to be utilized and operated as a residential rental dwelling unit.
- (2) For an owner, permittee, lessor or registered agent of any rental unit to allow a number of people greater than the maximum number of occupants listed on the registration certificate form.
- (3) For an owner, permittee, lessor or registered tenant to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of any rental unit.
- (4) For an owner, owner's agent or tenant to violate any of the provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq.
- (5) For a person to charge, demand, receive or accept any rent or other payment or nonmonetary consideration for use or occupancy of any rental unit within the City of Somers Point which is used or occupied in violation of Chapter **114**, Development Regulations, of the Municipal Code of the City of Somers Point. Each such charge, demand, receipt or acceptance of rent or other payment in violation hereof shall constitute a separate offense.
- (6) For any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight a rental unit for a period exceeding 29 days in any six-month period. In the case of a short-term rental, the twenty-nine-day exception referenced herein is not allowed.
- (7) For a person to rent or lease out any amenities and or accessories to an apartment or dwelling unit without full use of the apartment or dwelling unit, including, but not limited to basements, attics, trailers, pools, yards and/or accessory buildings.

B. It shall be unlawful and a violation of this article as to short-term rentals:

- (1) For a person to rent out an apartment or dwelling unit for the hosting of a commercial or social event.

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- (2) For a person to rent out separate bedrooms within an apartment or dwelling unit to either different short-term tenants, or as a short-term rental while another household is occupying the same apartment or dwelling unit.
- (3) For a person to rent out a camper or motor home on the property of any apartment or dwelling unit either in connection with a short-term rental, or as the short-term rental itself.

Section 169-52. Access for inspections and repairs; complaints.

A. (The following language shall replace the first sentence only in this Subsection): The Zoning Official, Construction Official and Code Enforcement Officer, are hereby authorized to make inspections to determine the condition of rental facilities and rental units, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and of the general public.

Section 169-53. Enforcement.

(The following term, “Zoning Officer/Code Enforcement Officer” shall be replaced with the term “Zoning Official and/or Code Enforcement Officer.”)

Section 169-54. Violations and penalties.

A. (The following language shall replace the first sentence only in this Subsection): Any person violating or failing to comply with any of the provisions of this Article **V** of Chapter **169**, including failing to file a registration certificate or failing to provide true and accurate information, shall, upon conviction thereof, be punishable by a fine of at least \$250 and not more than \$1,000 or by imprisonment in the county jail for a term not to exceed 90 days, or both, in the discretion of the court.

C. Wherein a landlord or agent of a short-term rental has been provided notice of a sustained complaint of a Noise and/or Nuisance Ordinance violation, and there is a second sustained complaint regarding a Noise and/or Nuisance Ordinance violation within one week, a civil penalty of \$1,500 shall be assessed against the landlord. Landlord shall have the right to appeal the imposition of such a civil penalty by filing with the City Clerk’s Office a request of a hearing before City Council within one week of notification of a civil penalty assessment.

Section 169-55. Revocation of license; procedure.

A. Grounds. In addition to any other penalty prescribed herein, any owner may be subject to the revocation or suspension of the license issued hereunder, or pursuant to Chapter 174 of this Code, upon the happening of one or more of the following:

- (11) Violation of the provisions of this article or any other ordinance or law pertaining to the use of the property; or
- (12) In the case of a short-term rental, three sustained complaints in a one-year period regarding the use and/or operation of the property by either the tenants or landlord.

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BE IT FURTHER ORDAINED that should any section, clause, sentence, phrase, provision in these amendments to ordinances be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remain portions of these ordinances.

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

Ordinance No. 8 of 2023

(First Reading/Introduction)

M/S- Owen/Bruno

The ordinance was adopted by a roll call vote of those present. The votes recorded as follows:

- DePamphilis – Yes
- Owen – Yes
- Bruno – Yes
- McCarrie – Yes
- McGuigan – No
- Dill – Yes
- Johnston - Yes

Council Member McGuigan asked for clarification on Ordinance No. 8.

No. 8 of 2023

**An Ordinance Amending the Somers Point Municipal Code Chapter 174,
Mercantile Licenses; Section 174-4, Fees.**

WHEREAS, N.J.S.A. 40:52-1 authorizes a Municipality, by Ordinance, to license and regulate the rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

WHEREAS, in recognition of the growing business of short-term, residential rentals in the City of Somers Point, City Council, in 2020, amended Chapter 169, Article V, of the Somers Point Municipal Code, dealing with the registration and inspection of certain rental units, apartments and dwelling units so as to impose safety and health requirements and regulations on such business operations; and

WHEREAS, in 2020, the City Council of the City of Somers Point, by Ordinance 11 of 2020 set a mercantile fee to be imposed upon such business of operations for short-term, residential rentals; and

WHEREAS, in 2020, the City Council of the City of Somers Point, has reviewed the aforesaid fee in connection with the work required by its employees in connection with registration requirements and the issuance of a mercantile license for said business operations and determined that same is does not reflect the time and effort expended by its employees; and

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WHEREAS, the City Council of the City of Somers Point is now desirous to increase the mercantile fee for short-term rentals so as to offset, in part, the cost of implementing the associated health and safety requirements and regulations imposed by its implementation of Chapter 169, Article V, of the Somers Point Municipal Code as to short-term rentals.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey that the Somers Point Municipal Code Chapter 174, Mercantile Licenses; Section 174-4, Fees, is hereby amended as follows:

<u>Type of License</u>	<u>Fee</u>
Short Term Rental (Residential Rentals For Less Than 175 Days)	\$150

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

Ordinance No. 9 of 2023

(First Reading/Introduction)

M/S- Dill/Bruno

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

Council Member McGuigan commented that although he dislikes legitimizing Short-Term Rentals, he agrees with Ordinance No. 9.

No. 9 of 2023

An Ordinance Renaming, Amending and Supplementing the Somers Point Municipal Code Chapter 228, Taxation; Article II, Hotel and Motel Room Occupancy Tax.

WHEREAS, Pursuant to N.J.S.A. 54:32D-1, et seq, the City Council of the City of Somers Point previously enacted the provisions of Article II of Chapter 228 of the Code authorizing the imposition of a Hotel and Motel Tax in the City of Somers Point; and

WHEREAS, the City Council of the City of Somers Point, in recognizing the existence of the growing business for short-term residential rentals available on the internet, passed Ordinance 10-2020, which, as drafted, made short-term residential rentals a feasible alternative to hotels and motels for visitors who wished a transient accommodation here in the City; and

WHEREAS, the N.J.S.A. N.J.S.A. 54:32D-1, et seq, has now been amended to allow, under circumstances, the imposition of municipal tax on transient accommodations, also known as “short-term rentals; and

WHEREAS, City Council now wishes to impose a municipal tax upon the use of short-term rentals in the City of Somers Point as allowed by statute.

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

Article II of Chapter 228 is hereby renamed “Hotel/Motel Room and Short-Term Rental Occupancy Tax.”

§ 228-4. Purpose. (Amended to read as follows:)

It is the purpose of this article to implement the provisions of N.J.S.A. 54:32D-1, et seq., as amended, to hotels, motels and short-term rentals, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate on charges of rent for every occupancy of a room or rooms in a hotel or motel or a short-term rental subject to taxation pursuant to N.J.S.A. 54:32B-3(d), which tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel or motel room or a short-term rental.

§ 228-4.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APARTMENT or DWELLING UNIT

Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping and dwelling purposes by one or more persons, excluding the owner thereof, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof; and which shall include a single family residence designed for use by one family or household unit for living and sleeping purposes.

Professionally Managed Unit

An apartment or dwelling unit that is offered for rent that is directly or indirectly owned or controlled by a person offering for rent two or more other units during the calendar year. irectly owned or controlled by a person offering for rent two or more other units during the calendar year.

Short-term Rental

A transient accommodation with a lease of less than 90 consecutive days.

Transient Accommodation

An apartment or dwelling unit that is obtained through a transient space marketplace or is a professionally managed unit. It does not include a rental transaction where a licensed real estate broker performs all the services necessary to carry out the rental.

Transient Space Marketplace

Any electronic or internet-based advertising form used for the purpose of renting or leasing a transient accommodation wherein the payment for the accommodation is made through a means provided by the marketplace or travel agency, either directly or indirectly, regardless of which person or entity receives the payment, and where the contracting for the accommodation is made through the market place or travel agency.

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§ 228-5. Tax established. (Amended to read as follows:)

There is hereby established a hotel and motel room and short-term rental occupancy tax in the City of Somers Point, which shall be fixed at a uniform percentage rate of 3% on charges of rent for every occupancy of a hotel or motel room or short-term rental in the City of Somers Point in a hotel or motel subject to taxation pursuant to N.J.S.A. 54:32B-3(d).

§ 228-6. Additional tax. (Amended to read as follows:)

The hotel and motel room occupancy tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel or motel room or a short-term rental.

§ 228-7. Exemptions.

(Amended to replace the language of “Subsection (a) of Section 9, P.L. 1966, c. 30 (N.J.S.A. 54:32B-9)” with “N.J.S.A. 54:32B-9(a)”).

§ 228-8. Requirements.

(Amended to replace the language of “P.L. 2003, c. 114” with “N.J.S.A. 54:32D-1, et seq.”).

§ 228-9. Collection. (Amend the first sentence to read as follows:)

The tax imposed by this article shall be collected on behalf of the City by the person or entity collecting the rent from the hotel or motel or short-term rental customer.).

BE IT FURTHER ORDAINED that should any section, clause, sentence, phrase, provision in these amendments to ordinances be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remain portions of these ordinances.

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.

City Solicitor Thomas Smith stated that he did not participate in Resolution Numbers 63 and 64 due to a conflict of interest.

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

Resolution No. 63 of 2023

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M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill believes that Resolution No. 63 and 64 will greatly benefit the City.

No. 63 of 2023

Subject: Resolution Authorizing the City of Somers Point to Enter into a Shared Services Agreement with the Township of Galloway for the Purposes of Sharing Construction Office 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 Township of Galloway ("Township") have determined it to be in the mutual interest of each governing body to share Construction Office Services; and

WHEREAS, the City wishes to enter into a shared services agreement ("SSA") with the Township for the purpose of setting forth the terms, conditions, and obligations of each party regarding Construction Office Services, which will benefit both the City and the Township by increasing the efficiency and decreasing costs of those services; and

WHEREAS, the City and the Township plan to negotiate the terms of the SSA and the City Administrator and Conflict Solicitor have recommended that City Council adopt a comparable SSA to previous SSAs with Galloway Township.

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 Township of Galloway for Construction Office Services, subject to such modifications as required and authorized by the City Administrator and 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

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parties thereto, and execution of agreements authorized thereunder, N.J.S.A. 40A:65-5(c).

Resolution No. 64 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

No. 64 of 2023

Subject: Resolution Authorizing the City of Somers Point to Enter into a Shared Services Agreement with the Township of Galloway for the Purposes of Sharing Tax Assessor 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 Township of Galloway ("Township") have determined it to be in the mutual interest of each governing body to share tax assessor services; and

WHEREAS, the City wishes to enter into a shared services agreement ("SSA") with the Township for the purpose of setting forth the terms, conditions, and obligations of each party regarding tax assessor services, which will benefit both the City and the Township by increasing the efficiency and decreasing costs of those services; and

WHEREAS, the City and the Township had previously negotiated the terms of the past SSA and the City Administrator and Conflict Solicitor have recommended that City Council adopt a comparable SSA as the same has been drafted.

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

4. The Mayor shall be and is hereby authorized to execute the Shared Services Agreement with the Township of Galloway for Tax Assessor Services named Assessor Sean Gaskill, substantially in the form attached hereto and subject to such modifications as required and authorized by the City Administrator and

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Solicitor.

5. 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).
6. 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).

Resolution No. 65 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 65 of 2023

Subject: Change Order – Contract #2020-200, for Traffic Control Products and Related Products and Solutions with TAPCO through the Omnia Partners National Purchasing Cooperative

Introduced by: Councilmen Dill, McGuigan and Owen

WHEREAS, in accordance with Resolution 84 of 2021, TAPCO of Brown Deer WI was awarded the contract for Traffic Control Products and Related Products and Solutions for the sum of \$143,976.17; and

WHEREAS, during the course of construction an upgrade to the existing credit card solution from magnetic stripe to EMV P2PE Credit Card Reader due to the previously existing magnetic stripe solution has since become no longer supported by TIBA as the credit card industry is transcending in an EMV P2PE solution environment; 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:

Awarded Contract Amount	\$143,976.17
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Change order 1 (additional to reflect updated solution)	(+\$8,464.00)
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Revised Contract Amount	\$152,440.17
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Total Deduction: \$0	Total Additional: \$ 8,464.00	Net Change: +5.88%
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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 Traffic Control Products and

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Related Products and Solutions project is hereby approved and that the Mayor and/or Business Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 66 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 66 of 2023

Subject: A Resolution Authorizing the City Administrator to Effectuate the Termination of the City of Somers Point's Agreement with ParkMobile, LLC.

Introduced by: Council President Johnston

WHEREAS, on April 22, 2021, City Council passed Ordinance No. 7 of 2021, establishing requirements for the use of the municipal parking lots and imposing parking fees; and

WHEREAS, in connection with said Ordinance, City Council passed Resolution No. 83-2021, which authorized the City to enter into an agreement with ParkMobile, LLC, for Contract #05-50, Integrated Parking Management System, which provided for the collection of said parking fees; and

WHEREAS, aforesaid agreement provided for an initial term of one (1) year, same be effective as of May 25, 2021, and two subsequent one (1) year terms; same to automatically renew provided neither party gives written notice to the other at least sixty (60) days prior to the expiration of the initial or renewal term of its intent not to renew the agreement; and

WHEREAS, City Council does not wish to renew the contract at the termination of its current term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the City Administrator, Jason Frost, is hereby authorized and directed to provide written notice to ParkMobile, LLC, that the City does not intend to renew its agreement with it at the end of the current term.

Resolution No. 67 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

No. 67 of 2023

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Subject: Part Time Hiring of Renee Meehan

Introduced By: Council Members Dill, McGuigan and McCarrie

WHEREAS, due to a vacancy it is necessary for the City of Somers Point to consider the hiring of a Part-Time Violations Clerk in the Municipal Court Office; and

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

WHEREAS, the position was advertised and applications received; and

WHEREAS, a review of the applications was completed and an interview of job applicants was conducted by the City Administrator, Deputy Court Administrator, and Certified Municipal Finance Officer; and

WHEREAS, the City Administrator and the Deputy Court Administrator recommend the hiring of Renee Meehan to the part time position of Violations Clerk; and

WHEREAS, adequate funds are available within the Municipal Court operations in the 2023 temporary budget for this part time hiring.

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

- 1.) The hiring of Renee Meehan to the part time position of Violations Clerk in the Municipal Court Office, is hereby approved on February 23, 2023, with an anticipated start date on or about March 6, 2023.
- 2.) She will be compensated at a rate of \$17.00 per hour, and that the employee will not work more than 29 Hours Per week.
- 3.) This is an “at will” employment and is subject to the personnel policies and procedures of the City of Somers Point.

Old Business:

None

New Business:

None

Discussion of Bills:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 23, 2023**

Administrator Frost reported a record of Payment dated 02/21/2023 in the amount of \$ 672,441.70 and a Bill List dated 02/21/2023 in the amount of \$ 225,649.19.

Public Portion:

The meeting was duly opened to the public.

James R. Oswald of 500 Pennsylvania Avenue thanked City Council for their dedication. He remarked that he is not opposed to Airbnb; however, he is against unregulated ones. He asked City Council to look further into the possibility of having parking restrictions.

Susan Oswald of 500 Pennsylvania Avenue suggested that there be a designated safe exchange location for people buying or selling from Facebook Marketplace, Craig's list, etc. She recommended the Police Station parking lot.

Helen Feo of 745 5th Street recounted that she lives next door to an Airbnb and would prefer that there be at least a one-week minimum stay.

Rick Freed of 409 Dobbs Avenue mentioned that the Ordinances can sometimes be confusing and should be explained more clearly. In addition, he disclosed that he is opposed to Airbnb.

Bruce Lonergan of 11 Braddock Drive shared his appreciation towards City Council for their work on Short-Term Rentals; however, he believes the public has been adversely affected by the lack of regulations and enforcement. Furthermore, he questioned the increased cost of the City's infrastructure as a result of Short Term Rentals.

Will Modika of 12 Braddock Drive reminded City Council of a petition signed by the public requesting a 30-day minimum for Short Term Rentals. Moreover, he asked if the City would enforce the NJ enacted Senate Bill 1368, which states that business and rental unit owners are required to maintain certain liability insurance policies.

Susan Vacca of 12 Braddock Drive conveyed her opposition to Airbnb and Short-Term Rentals, especially with a 3-day minimum stay.

Frank Fontana of 50 Holly Hills Drive expressed his disagreement with Airbnb, specifically about the lack of enforcement, restrictions, and whether there would be zoning changes.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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City Solicitor Smith offered clarification and recommendations to City Council regarding Short-Term Rentals. He also stated that in Ordinance No. 9, the tax was changed to 3%, because it includes Hotels and Motels, not just Short-Term Rentals.

City Clerk Samuelson confirmed that the Short-Term Rentals are required to have liability insurance under the NJ Senate Bill 1368.

Payment of Bills:

M/S: Dill/Owen

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

Comments from the Governing Body:

- Council Member Dill requested the Mayor discuss with Police Chief Somers about the possibility of using the Police Station or parking lot for a safe exchange location.

Adjournment:

There being no further business to come before City Council, Council Member Owen moved, Council Member Bruno seconded and carried to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk