

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 08, 2024**

Meeting called to order at 7:00 p.m. by President Johnston with a salute to the U.S. flag.

Roll call was recorded as follows:

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

Also Present: Administrator Frost, Confidential Assistant to the City Clerk Cannuscio, City Solicitor Smith, and City Engineer Schneider

Absent: Mayor Tapp

Open Public Meetings Act:

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

Council President Johnston asked for a motion for the consideration of a 48-hour waiver for Resolution No. 72 of 2024.

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve a 48-hour waiver to consider Resolution No. 72 of 2024.

Resolution No. 72 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council Members Dill and Owen thanked the VFW Auxiliary and congratulated the students who participated.

Council President Johnston commented on how well written the essays were and presented the resolution to one of the contest winners.

No. 72 of 2024

Subject: Congratulating the Somers Point VFW Auxiliary Essay Contest Winners

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Introduced By: Council Members Dill and DePamphilis

WHEREAS, Somers Point Veterans of Foreign Wars, VFW, Post 2189, has been a beacon of support and advocacy for the brave men and women who have served in foreign conflicts and ensuring their voices are heard and their sacrifices are acknowledged; and

WHEREAS, Somers Point VFW Post 2189 Auxiliary was established to support the VFW post:
and

WHEREAS, the National Veterans of Foreign Wars Organization has created an annual Scholarship competition known as the Patriots Pen contest and encourages all communities to participate;
and

WHEREAS, the Somers Point VFW Auxiliary Post 2189 held a 300 to 400 word essay competition open to Somers Point students, grades 6th thru 8th, on “How Are You Inspired by America;”
and

WHEREAS, the National Veterans of Foreign Wars Organization also created an annual Scholarship competition known as the Voice of Democracy and encourages all communities to participate; and

WHEREAS, the Somers Point Auxiliary Post 2189 also held an audio competition open to Somers Point students, grades 9th thru 12th, on “What Are the Greatest Attributes of Our Democracy”: and

WHEREAS, Somers Point Auxiliary Post 2189 essay judging committee chose 1st place winner Julia Wilson who advanced and won the district competition and 2nd place winner Olivia Angello; and

WHEREAS, Somers Point Auxiliary Post 2189 audio judging committee chose Robert Joseph Wilkinson Jr. as the 1st place winner: and

NOW, THEREFORE, BE IT RESOLVED that Mayor Dennis Tapp and Somers Point City Council wish to congratulate Julia Wilson, Olivia Angello and Robert Joseph Wilkinson Jr. on their Patriotism to our country and wish them great success on their future endeavors.

Communications:

None

Mayor’s Report:

None

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Committee Reports:

Council Member Haberkorn announced that Dan Myers submitted photographs for the New Jersey League of Municipalities Show off Your City photo contest. Next, he stated that he met with the Environmental Commission, the Green Team, and the Economic Development Advisory Commission, and has provided handouts for City Council on what was discussed. Lastly, he mentioned that the Atlantic County Utilities Authority gave a presentation to the Garden Club, and announced that the Garden Club will be having a bus tur on April 25th to the Brandywine Museum of Art.

Council President Johnston met with the Parking Committee, where they discussed waiving the handicapped parking space fee for disabled Veterans. She also gave an update on the St. Patrick's Day parade.

Council Member Owen met with the Recreation Commission where they approved an application to create a High School Baseball League, which will run from 6/1/2024 to 7/18/2024. In addition, he mentioned that the Marine Science Education Day Camp will run from 8/19/2024 to 8/30/2024 at Somers Point Beach. Furthermore, he revealed that the boat ramp gates should be in operation soon.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve, the Regular Meeting Minutes of 01/11/2024.

Ordinances:

Ordinance No. 2 of 2024

M/S- TABLED

(Second Reading/Public Hearing/Adoption)

Council President Johnston duly opened the meeting to the public.

John Helbig asked City Council to delay action on this ordinance because the Zoning Board has not yet approved the application.

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

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve the tabling of Ordinance No. 2 of 2024.

TABLED

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No. 2 of 2024

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

WHEREAS West Maryland, LLC, a limited liability corporation registered to do business in the State of New Jersey, and having a business's address of 111 E. 9th Street, 3rd Floor, Ocean City, NJ 08226 (the "Developer") proposes to construct a 10,614 square foot Contractor's Warehouse and related site improvements (the "Project") on property designated as Block 914, Lot 1 as shown situated on West Maryland Avenue as shown on the official Tax Map of the City of Somers Point, but with no specific street address; and

WHEREAS on October 13, 2023, Counsel for the Developer appeared before the Somers Point City during a public meeting to present a Project Concept plan, discuss the proposed development of the Project, and the need to have an unimproved portion of West Maryland Avenue paper street vacated in order to construct the Project as planned; and

WHEREAS the Developer applied to the Somers Point Zoning Board of Adjustment requesting a use variance to construct the Project; and

WHEREAS the Zoning Board of Adjustment during a public meeting held on September 11, 2023 approved the requested use variance by Resolution ZB-11-2023 dated October 16, 2023, one condition of which approval being that the Somers Point City Council enact an ordinance vacating a portion of West Maryland Avenue; and

WHEREAS on November 29, 2023, Developer applied to the Somers Point Zoning Board of Adjustment requesting preliminary and final major site plan approval, which application is pending before that Board; and

WHEREAS, on December 20, 2023, Counsel for the Developer submitted a letter request to the Somers Point City Clerk formally requesting the Somers Point City Council to enact an ordinance vacating approximately 6,150.05 square feet of the unimproved paper street West Maryland Avenue, which request included copies of all of the applications and resolutions recited above; 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 West Maryland 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 Project has been completed.

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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. That unimproved portion of West Maryland Avenue west of the Area to be Vacated was previously vacated by Ordinance No. 23 of 1991 and the entire vacated portion was transferred to a predecessor in title to West Maryland, LLC, no portion having been retained by the City.

6. Block 1016 abutting West Maryland Avenue to the south is owned by the City of Somers Point and is used for recreational purposes and the City of Somers Point disclaims any interest in the Area to be Vacated.

7. The property abutting the north side 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, West Maryland, 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.

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 an iron pin found in the Northeasterly sideline of West Maryland Avenue, 35' wide; said point being in the division line between Lot 1 and Lot 12, Block 914 and from said point running, thence;

1) S 33° 47' 25" W, 35.06' to a point in the Southwesterly sideline of West Maryland Avenue, thence;

2) N 53° 00' 23" W, 176.70' along the Southwesterly sideline of West Maryland Avenue to point in the
Northwesterly sideline of West Maryland Avenue, thence;

3) N 36° 59' 37" E, 35.00' to a point in the Northeasterly sideline of West Maryland Avenue, thence;

4) S 53° 00' 23" E, 174.73' along the Northeasterly sideline of West Maryland Avenue to the Point and Place of Beginning.

Containing 6,150.05 Sq. Ft. (0.14 Acres)

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Being known as the “Area of West Maryland Avenue to be Vacated” as shown on “Street Vacation Plan” (V201) prepared by The Hyland Group and dated October 27, 2023.

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.

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 the City Tax Assessor. Said notices shall be made by certified mail / RRR by the City Clerk to the record owner of:

Block 914, Lot 1

West Maryland, LLC

111 E. 9th Street, 3rd Floor.

Ocean City, NJ 08226

And to:

Atlantic City Electric Real Estate Development

5100 Harding Highway, Suite 399

Mays Landing, NJ 08330-9902

Public Service Electric and Gas Company

Manager- Corporate Properties

80 Park Plaza, T6B

Newark, NJ 07102

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 914, Lot 1. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 6. EFFECTIVE DATE.

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

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Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson asked for clarification on Resolution No. 64 and Resolution No. 67 of 2024.

Dan Myers updated City Council on upcoming events for the Art Commission. In addition, he requested cosmetic improvements be done at the Senior Center and he let everyone know that Art in the Park will be moved to September.

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

Resolution No. 62 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council President Johnston thanked Dan Myers and the Art Commission.

No. 62 of 2024

Subject: Resolution Approving Program of Activities to be Undertaken by the Somers Point Arts Commission During Calendar Year 2024

Introduced By: Council Members Owen, McCarrie, and Haberkorn

WHEREAS, Somers Point Municipal Code Section 2-18 provides that no implementation of any call for action or any report and recommendation by the Arts Commission to City Council shall take place or have any status as action by the City or a report of the City or a policy of the City, unless and until accepted and approved by City Council by resolution, and City Council in its discretion may decline to act, accept or approve, or may act upon, accept or approve, any portion or the whole, as it desires and determines; and

WHEREAS, Mr. Dan Myers, Chair of the Somers Point Art Commission, provided a report to City Council and provided a list of programs and events proposed to be held or sponsored by the Somers Point Arts Commission during 2024, which is attached hereto: and

WHEREAS, due to the need to properly plan for the implementation of those events, on behalf of the Arts Commission Chairperson Myers requested that the governing body review and approve the slate of proposed events as submitted; and

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WHEREAS, it was the consensus of the governing body that the proposed list of events and programs be approved and authorized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following programs and events proposed by the Somers Point Arts Commission to be held during 2024:

It is further **RESOLVED** that within the framework of this authorization, the Chairperson of the Arts Commission will from time to time provide updates to City Council regarding the proposed programs and events and any suggested additional events, programs or venues; and

It is further **RESOLVED** the Mayor and Council express their appreciation to the members of the Arts Commission for their time and dedication in providing our residents and visitors with such a wide range of vibrant activities supporting all of the arts.

Resolution No. 63 of 2024

M/S- Dill/McCarrie

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

No. 63 of 2024

Subject: Resolution of Support from Local Governing Body Authorizing the FY 2024 Local Recreation Improvement Grant (LRIG) Application funded by the New Jersey Department of Community Affairs

Introduced By: Council President Johnston

WHEREAS, the New Jersey Department of Community Affairs is offering the Local Recreation Improvement Grant (LRIG); and

WHEREAS, The Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums.; and

WHEREAS, ensuring public access to community facilities is imperative given the current strain on communities confronting the COVID-19 pandemic; and

WHEREAS, access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational opportunities. Assisting local units in achieving unmet recreational obligations addresses these equity considerations, meeting the needs of communities that have been placed under substantial stress due to the lack of quality recreational facilities and spaces; and

WHEREAS, Local Recreation Improvement Grant funds will be allocated to each grant recipient to help cover costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities; one-time personnel costs directly related to

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improvements; project development professional services costs; equipment costs including playground and recreation facilities equipment; and environmental remediation costs required to prepare recreation sites for use; and

WHEREAS, the Local Recreation Improvement Grant (LRIG) exists to: Fund improvements to recreational facilities; Provide quality outdoor recreational space to underserved, communities, particularly in this time of heightened need; and assist local units in achieving unmet recreational obligations; and

WHEREAS, the City of Somers Point strives to save tax dollars, assure clean land, air, and water, improve working and living environments; and

WHEREAS, the City of Somers Point wishes to apply for funding through the NJDCA Local Recreation Improvement Grant; and

WHEREAS, the NJDCA Local Recreation Improvement Grant prioritizes unfunded projects and those that include a local match component; and

WHEREAS, the City of Somers Point is qualified to apply for this funding; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point formally supports this NJDCA Local Recreation Improvement Grant application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application for the NJDCA Local Recreation Improvement Grant on behalf of the City of Somers Point.

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. 64 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 64 of 2024

**Subject: Approving an Emergency Management Shared Service Shelter Agreement
 Among Linwood, Northfield, and Somers Point**

Sponsored by: Mayor Tapp, Council President Johnston, Council Member Dill

Whereas, in compliance with N.J.S.A. App. A:9 every municipality is obligated to develop a plan for the sheltering of displaced individuals in their community during times of disaster and/or local emergencies (the “Plan”), including the need for warming and/or cooling centers during times of extreme weather conditions; and

Whereas, the City of Somers Point has in place a Plan approved in 2013 which provides for use of the Somers Point Schools as shelter facilities; and

Whereas, due the passage of a School Bond Referendum there is a plan to install generators in each of the three Somers Point Schools in order to continue to allow those facilities to be included as part of the Plan to be used as determined by the Office of Emergency Management; and

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Whereas, it is prudent to provide for an alternate facility in the event of the need to shelter more individuals or due to the inability to use one or more of the Somers Point Schools; and

Whereas, to conserve resources, and to achieve maximum efficiency, the City of Northfield, the City of Linwood, and the City of Somers Point, through the efforts of their respective Office of Emergency Management Coordinators propose to enter into a shared service Shelter Agreement with the Linwood Community Church (the “Agreement”) to provide said services on behalf of the participating municipalities; and

Whereas, upon approval of the respective governing bodies and upon execution of the Agreement by the parties, the Agreement shall be for a term of three (3) years subject to renewal by resolution of each municipality, unless cancelled in writing by any party with 30 day notice to the other parties; and

Whereas, the Agreement will supplement and be incorporated into each municipality’s Emergency Operation Plan (EOP) as a mutual aid agreement to the Shelter, Reception and Care Annex with the entire EOP being approved by Atlantic County and the State of New Jersey every four years; and

Whereas, Linwood Community Church is not receiving any compensation for providing the facility, the financial obligation of each municipality to provide the necessities for shelter of its citizens in the event of such disaster and/or local emergency cannot be predetermined, being fact specific to the event or occurrence, the financial commitment on behalf of Somers Point shall be subject to availability of funds or subject to an Emergency Appropriation; and

Whereas, subject to the passage of resolutions by the governing bodies of Northfield and Linwood, the Mayor is authorized to execute the Agreement on behalf of the City of Somers Point.

Now, therefore, it is hereby resolved that subject to the conditions stated above:

- 1) This governing body approves the Shared Service Agreement among Somers Point, Northfield. Linwood and Linwood Community Church; and
- 2) Mayor Dennis Tapp is authorized to execute the Agreement on behalf of the City of Somers Point substantially in the form attached hereto.
- 3) The City Clerk is requested to provide a certified copy of this Resolution to the Northfield and Linwood City Clerks.

Resolution No. 65 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 65 of 2024

Subject: Hiring a Full-Time Public Safety Telecommunicator

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Introduced By: Council President Johnston and Council Members Haberkorn and DePamphilis

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; and

WHEREAS, Bernadette Cahill-Goldstein has served in the capacity of Public Safety Telecommunicator for five (5) years at the Egg Harbor Township Police Department and after previously serving as a full-time Public Safety Telecommunicator for the City of Pleasantville for four (4) years, The City of Linwood for seventeen (17) years, and Hamilton Township for three (3) years; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Bernadette Cahill-Goldstein is hereby appointed to the position of full time Public Safety Telecommunicator Trainee, Civil Service Title Code 01296, effective February 8th, 2024.

BE IT FURTHER RESOLVED that, beginning on the date of her full-time employment, Bernadette Cahill-Goldstein shall be paid the annual salary of \$55,263.00 in accordance with Level 7 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. 66 of 2024

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 66 of 2024

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 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

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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:	(1) Xerox AltaLink C8145/H2 Multifunction Printers
TOTAL PRICE:	\$ 8,422.80 (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.

Resolution No. 67 of 2024

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 67 of 2024

Subject: Appointing Attorney to Represent the City of Somers Point in Matters Involving Redevelopment Matters

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Introduced by: Council President Johnston

WHEREAS, the City of Somers Point has identified a need for an attorney to provide advice, counsel and representation to the City of Somers Point on matters involving redevelopment matters; and

WHEREAS, it is the intent of the City of Somers Point to appoint counsel to undertake and perform such services and provide such advice, counsel and representation as the City Council shall from time to time direct, but in any event not for a period to exceed calendar year 2024; and

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

1. Amanda Mazzoni, Esquire of the Mazzoni Law Firm, is hereby appointed as an attorney to represent, advice and counsel the City of Somers Point on certain matters involving redevelopment matters; and
2. This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public contracts Law because public bidding is not required for said service.
3. This appointment is not exclusive during the term of this contract, and that City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.

The Mayor is hereby authorized to execute an agreement with Amanda Mazzoni, Esquire of the Mazzoni Law Firm, to undertake and perform such services and provide such advice, counsel and representation as the City Council shall from time to time direct, but in any event not for a period to exceed calendar year 2024. The agreement will be attached to this resolution and become a part hereof.

As indicated in the division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5.(1)(a)(i) is not required.

Resolution No. 68 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 68 of 2024

Authorizing Executive Session

Subject: Advice of Counsel Regarding the Status of Litigation

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Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 8, 2024, during a public meeting to be held commencing at 7:00 PM, and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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

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

Advice of Counsel and attorney-client communication regarding the status of litigation involving the City and its Zoning Board entitled, “Garden State Outdoor, LLC v. City of Somers Point, City of Somers Point Zoning Board,” having a docket number of ATL-L-143-23.

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

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
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See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.
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Resolution No. 69 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 69 of 2024

Authorizing Executive Session

Subject: Advice of Counsel Regarding the Status of Anticipated Litigation

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 8, 2024 during a public meeting to be held commencing at 7:00 P.M.; and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of anticipated litigation involving a Tort Claims Notice served upon the City by counsel for Somers Point Diner, Inc. and John Exadaktilos, on January 22, 2024.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 08, 2024**

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

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

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

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

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

Resolution No. 70 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 70 of 2024

Authorizing Executive Session

Subject: Advice of Counsel Regarding the Status of Litigation

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 8, 2024, during a public meeting to be held commencing at 7:00 P.M.; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 08, 2024**

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City entitled, “Bay Point Motel, Inc. vs. City of Somers Point,” having a docket number of ATL-C-000085-24.

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

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

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

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

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

Resolution No. 71 of 2024
M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 71 of 2024

Authorizing Executive Session

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 08, 2024**

Subject: Advice of Counsel Regarding the Status of Litigation

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 8, 2024, during a public meeting to be held commencing at 7:00 P.M.; and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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

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

Advice of Counsel and attorney-client communication regarding the status of Tax Court litigation involving the City and entitled, “HPT-IHG Two Property Trust v. City of Somers Point,” having docket numbers of 010711-2018, 002101-2019, 003548-2020, and 003141-2021; and Sonesta es Suites v. City of Somers Point, having docket numbers of 004442-2022 and 002590-23.

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

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

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

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

REGULAR MEETING MAYOR AND CITY COUNCIL February 08, 2024

needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

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

Old Business:

Council Member McGuigan asked for clarification on Ordinance No. 2 of 2024, which led to a detailed discussion between City Council, City Solicitor Smith, and City Engineer Schneider.

Council Member McGuigan inquired about the proposed traffic light at the intersection of Ocean Heights Avenue and Shore Rd.

New Business:

- City Council approved the Social Affair Permit for Volunteer Fire Company No. 2 for an event on 3/2/2024 from 12:00 pm to 5:00 pm.
- City Council approved the Social Affair Permit for 609 Cornhole New Jersey, Inc., for an event on 3/9/2024 from 11:00 am to 11:59 pm.

Discussion of Bills:

Administrator Frost reported a Bill List dated 2/6/2024 in the amount of \$2,209,135.54.

Public Portion:

The meeting was duly opened to the public.

Maureen Helbig questioned which Council Members were on the Budget Committee and commented on not being able to hear the City Professionals speak during the meetings.

Rob Hopkins shared his discontent with Ordinance No. 2 of 2024.

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

Payment of Bills:

M/S – Dill/McCarrie

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

Comments from Governing Body:

None

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:57 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:16 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:17 p.m.

Submitted by:

Lucy R. Samuelsen, RMC

Municipal Clerk

Approved: 3/14/2024