

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 25, 2021**

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

Roll call was recorded as follows:

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

Also Present: City Administrator Frost, Deputy City Clerk Heath, Assistant City Clerk Hornig and City Solicitor Thomas Smith

Absent: Mayor Glasser

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office and on the City's website, somerspointgov.org. The meeting was held via ZOOM platform and in person due to the pandemic of COVID-19. Council President Johnston announced the instructions for joining the meeting electronically.

Resolution No. 68 of 2021

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

Council Member McGuigan congratulated the students and encouraged them to continue their poetry career as it is an important value and aspect to the community.

Council President Johnston presented the resolution to the students, and they read their winning poems.

No. 68 of 2021

Subject: Recognizing National Poetry Month and Recognizing Winners of the 8th Grade Poetry Competition

Introduced by: Council President Johnston and Council Member Karen Bruno

WHEREAS, The Academy of American Poets has established the month of April as National Poetry Month; and,

WHEREAS, National Poetry Month seeks to highlight the extraordinary legacy and achievement of American poets; introduce Americans to the pleasure and benefits of reading and writing poetry; bring poets and poetry to the public; and make poetry an important part of children's education; and,

WHEREAS, Poetry enhances the lives of all and is an essential part of the arts and humanities, influencing education, the economy and community pride; and,

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WHEREAS, the governing body of Somers Point recognizes the importance of the literary arts in all aspects of the community by supporting the Somers Point Arts Commission in presenting its *8th Grade Poetry Writing Competition, Poetry in the Park* and *Somers Point's Poet Laureate*; and,

WHEREAS, Camila Ramos-Reyna, Hayley Ireland and Marti Harper, 8th grade students at Jordan Road School are recognized as the winners of the Poetry Competition; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Somers Point and the Somers Point Arts Commission presents Certificates of Recognition to Camila Ramos-Reyna for *Home*; Hayley Ireland for *Our Home* and to Marti Harper for *Summer Flows* for writing poetry as a means of celebrating our community of Somers Point and for sharing their creativity and talent with the people of Somers Point.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point recognizes April 1-30 as National Poetry Month and calls on all the people of Somers Point to observe National Poetry Month by reading and writing poetry.

Special Presentation by Jeremy Lynch of BIRD:

Jeremy Lynch gave a presentation regarding BIRD which is a scooter share/rental company that is interested in placing scooters around Somers Point and allowing customers to use their app to rent scooters to ride throughout the City.

Communications:

None

Mayor's Report:

None

Administrator's Report:

None

Solicitors Report:

Solicitor Smith reported a ZOOM meeting he attended with members of the Patriots for Somers Mansion and members of State entities regarding securing ownership of Somers Mansion. He mentioned some of the issues that may be involved in the process, and the pros and cons of the

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City of Somers Point obtaining the property versus the Patriots for Somers Mansion. Solicitor Smith is waiting for more information and will report back to City Council.

Committee Reports:

- **School Board Committee**

Council Member Ferreri reported that Council Member Bruno, Council President Johnston and herself attended the last School Board meeting at Jordan Road School. She gave a shout out to the School Board and the teachers who are doing a tremendous job with having children in person and virtual. Council Member Ferreri reported the School Board has begun working on their budget, and it will be made available to the public on May 6th. She also mentioned Dawes Avenue School needs a new roof and she sent information to them to promote putting solar panels on the new roof. She was pleased that all three schools would like to add solar panels. She mentioned that either herself or Council Member Bruno will be attending School Board meetings in the future and she wants to keep an open line of communication between the Board and City Council.

Council Member Bruno reported she was pleased to be able to spend time with the teachers who come out to every School Board meeting. She mentioned how positive the teachers were, and they gave a great presentation.

Council President Johnston mentioned the meeting was very informative and encouraged everyone to attend future meetings.

- **EDAC**

Council Member Owen reported that at the recent EDAC meeting, Nick Regine came forward to ask for their support on a project he is working on, which EDAC approved. He has made a video of musicians playing on the fishing pier and the beach. There will be a free event in the Historic Bayfront District on April 23-25 titled “Here Comes the Sun” that will feature art, music and activities. It is sponsored by Somers Point Unique Experience Club and South Jersey Jazz Society.

Council President Johnston added the video will be used as a promotional tool throughout the year. It is a video of a beautiful sunrise at the beach and the music is playing in the background. They will scroll event information on the video and can be used on social media or other available platforms to inform the public of events. Council President Johnston also reported they are trying to get Somers Point designated as a bike friendly community, and a notice will be going out requesting local business to install bike racks on their property to promote bike riding in town.

- **Redevelopment sub-committee (ALDI)**

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Council Member McGuigan reported a meeting with the Attorney, ALDI’s engineer and the developer of the current Walgreen’s property. There was substantial discussion regarding the development of the property. The developer is requesting a redevelopment agreement with the City. Council Member McGuigan reported there was discussion about enhancing the traffic signals, changing the traffic pattern to support more traffic ALDI may bring as well as addressing the flooding issue on the site. He stated that the developer was not interested in these items. He stated if the developer is not interested in giving reciprocal help, he is not in favor of a redevelopment agreement. Council Member Dill and Council President Johnston concurred. Council President Johnston stated for these reasons, the sub-committee is recommending they do not move forward in making that a redevelopment zone.

Council Member Dill thanked Administrator Frost and Engineer Schneider for handling a difficult situation at Medical Center Way and Bay Avenue. They worked to have it expedited, and it appears it will be fixed early next week. He also brought up the poor condition the New Jersey American Water Company left the streets after work they did. He is concerned that the South Jersey Gas Company will begin doing work, and he wants to ensure that the restoration will be done the proper way.

Approval of Minutes:

On the motion of Council Member Ferreri, seconded of Council Member Dill and carried to approve the Regular Meeting Minutes of 3/11/21.

Ordinances:

Ordinance No. 7 of 2021

(First Reading/Introduction)

M/S- Owen/Ferreri

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

Council Member McGuigan stated he will vote to introduce this ordinance to open discussion and to get the word out; however, as it stands right now, he is not in favor of this ordinance.

**ORDINANCE NO. 7 of 2021
An Ordinance Establishing Requirements for the Use
of Municipal Parking Lot and the Imposition of Parking Fees**

WHEREAS, the City of Somers Point (“City”) maintains certain Municipal Parking Lots (“Parking Lots”) within the City, which are used by patrons of various businesses and recreational uses on or near Bay Avenue; and

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WHEREAS, the City has determined these Parking Lots provide the potential for income in the form of parking fees to City, which income would not only defray the costs of maintenance associated with these parking lots, but would also provide tax relief to the residents of the City; and

WHEREAS, the City, in reviewing the matter, has determined that the imposition of certain fees associated with the use of these parking lots would not be detrimental to the businesses, recreational uses or neighborhoods in or around the Bay Avenue area.

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

SECTION 1. Chapter 200 of the Municipal Code, with the following provisions, is hereby created for purposes of regulating the use and imposition of fees of the Municipal Parking Lots.

§200-1. DEFINITIONS

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

Municipal Parking Lot

Those parcels identified in the tax map of the City of Somers Point, Atlantic County, New Jersey, initially prepared by John R. Walker, Engineer, in November of 1968, and in use in March of 2021, as Block 1513, Lot 6; Block 1612, Lot 2; and Block 1912, Lot 16.

Parking Fee

Rates charged the general public for the use of the Municipal Parking Lots during those time periods and for those time allotments set forth in this Chapter.

Parking Permit

Parking permit means the prepayment for parking in the Municipal Parking Lots by use of any of the following timed means: parking meter, parking kiosk, or any other manner of prepaid parking including the use of any type of mobile phone app, electronic or internet technology wherein payment may be made for purposes of parking at said lots.

§200-2. PARKING PERMIT

A parking permit shall be required for all vehicles parked on Municipal Parking Lots during the hours of 7:00 a.m. to 3:00 a.m. during the period of April 15 through October 31 of each calendar year,

§200-3. PARKING FEES

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An hourly rate shall be charged for parking motor vehicles on the Municipal Parking Lots in the time period set forth in this Chapter of \$1.00 per hour.

§200-4. PENALTIES

Every person convicted of a violation of the provisions of this Chapter relative to the payment of fees for parking on the Municipal Parking Lots shall be liable of a penalty of not more than \$51.00 or imprisonment for a term not exceeding 15 days, or both.

SECTION 2. This Ordinance shall take effect upon its final passage and publication as provided by law.

Resolutions:

Assistant Clerk Hornig read by title only the list of resolutions.

Public Portion Resolutions

Council President Johnston opened to the public and hearing nothing, the hearing was duly closed.

Resolution No. 69 of 2021

M/S- Dill/Ferreri

The resolution was adopted by unanimous vote of those present.

No. 69 of 2021

Subject: Authorizing Execution of 2021 Municipal Aerial Mosquito Control Agreement

Sponsored by: Council President Johnston

WHEREAS, from time to time it may become necessary to perform aerial application of pesticides for mosquito control over certain areas of Somers Point; and

WHEREAS, such application should be performed by the Atlantic County Department of Public Works, office of Mosquito Control; and

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WHEREAS, all pesticides and aircraft utilized are approved for aerial application by State and Federal governments; and

WHEREAS, the Atlantic County Department of Public Works, Office of Mosquito Control shall notify the Somers Point Police Department, the City and local news media prior to any application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor John L. Glasser, Jr., is hereby authorized to execute the 2021 Municipal Aerial Mosquito Control Agreement, a copy of which is attached hereto and made a part hereof.

Resolution No. 70 of 2021

M/S-Dill/Owen

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

Council President Johnston mentioned there will be a budget committee meeting next week, and the budget will be amended to add some of these funds. The changes to the budget will be reported at the next meeting.

No. 70 of 2021

Subject: Resolution Vacating Resolution 43 of 2021 In Anticipation of Community Service Contributions and Ratifying Execution and Delivery of a Financial Agreement Between Shore Memorial Hospital D/B/A Shore Medical Center and its Affiliates and the City of Somers Point

Sponsored by: Council President Johnston and Council Member Owen

WHEREAS, the New Jersey Legislature passed Bill A-1135 which was signed into law February 22nd, 2021 which requires some NJ hospitals to make community service contributions; and

WHEREAS, Shore Memorial Hospital (now doing business as Shore Medical Center) (“SMC”) signed a commitment dated March 10th 2021 to honor their obligation to make said payments; and

WHEREAS, the NJ Department of Health has certified that SMC has 199 licensed beds that are eligible for the community service contribution at a rate of Three Dollars (\$3.00) per day for 365 days; and

WHEREAS, SMC is now required contribute the sum of Two-Hundred and Seventeen Thousand Nine Hundred and Five Dollars (\$217,905) to be paid into the general fund to be used for general expenses without any specific designation to be billed by the City quarterly in equal installments which shall be payable on February 1, May 1, August 1, and November 1; and

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WHEREAS, Resolution 43 of 2021 is vacated as it relates to the previous agreement between SMC and the City to receive a donation from SMC in the amount of Ninety Two Thousand Dollars (\$92,000) by April 15th 2021.

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

The Mayor shall be and is hereby authorized to execute an Agreement with Shore Medical Center (“SMC”) to receive the aforementioned community service contributions, subject to such modifications as required and authorized by the City Administrator and/or Solicitor.

It is further **RESOLVED** that the City agrees to accept the community service contributions made by Shore Medical Center to the City for the purposes and uses intended.

Resolution No. 71 of 2021

M/S- Dill/Ferreri

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

No. 71 of 2021

Subject: Appropriation Reserve Transfer

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

WHEREAS, N.J.S.A. 40A:4-1 et.seq. allows budget appropriation reserve transfers during the first three months of the succeeding year.

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 2020 budget transfer as specified in this resolution.

Current Fund

From:

Mayor and Council OE	0-01-20-110-200	\$6,000
		\$6,000

To:

Sanitation Transfer Fees	0-01-32-465-200	\$6,000
		\$6,000

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Resolution No. 72 of 2021

M/S- Owen/Dill

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

No. 72 of 2021

Subject: Change Order 1 – Contract No. 101 – FY 2018 & 2019 State Aid Program – Bethel Road Reconstruction

Introduced by: Council Member Dill

WHEREAS, in accordance with Resolution 54 of 2020, Arawak Paving Co., Inc. of Hammonton, N.J., was awarded the contract for the FY 2018 & 2019 State Aid Program – Bethel Road Reconstruction for the sum of \$1,439,300.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities, additional landscaping, and to install an image detector system at the Bethel Road and Shoprite shopping center intersection ; and

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

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

Contract Amount	\$1,439,300.00
Change order 1	-\$87,595.48
Revised Contract Amount	\$1,351,704.52

Total Deduction: \$87,595.48 Total Additional: \$0 Net Change: -6.09%

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 FY 2018 & 2019 State Aid Program – Bethel Road Reconstruction is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 73 of 2021

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

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Council President Johnston reported she has attended a few meetings to receive information on the regulations. She mentioned if these proposed regulations are passed, it will not allow any development along Bay Avenue.

No. 73 of 2021

Subject: Resolution of Opposing NJDEP’s Proposed Coastal Regulations

Introduced by: Council President Johnston and Council Members Owen and Ferreri

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is planning to adopt new land use regulations that will significantly devalue land and stymie construction in the City of Somers Point known as the Protecting Against Climate Threats (PACT) Regulations; and

WHEREAS, the NJDEP is proposing to require five feet of freeboard above the base flood elevation for new construction in the flood zone. Elevating new and substantially improved homes an additional five feet is not only prohibitively expensive for our residents but may not be feasible on many sites; and

WHEREAS, historically when NJDEP issues new rules they have been in alignment with corresponding legislation. In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulation that are now in place; and

WHEREAS, the NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Municipalities are required to prepare Master Plans with a 20- or 30-year planning horizon, the City of Somers Point would strongly suggest that the State use the same time horizon that they required municipalities to use; and

WHEREAS, the science behind these 80-year projections have been questions as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

WHEREAS, when municipalities impose new regulations, the State requires that they must be consistent with the adopted Master Plan after public input and revisions. In this case, NJDEP is proposing drastic regulatory changes without a completed Resiliency Plan. The New Jersey Coastal Resiliency Plan is being prepared and has yet to be released or subject to public input or adoption; and

WHEREAS, there has been no major discussion concerning the magnitude of the economic impact of the proposed regulations or how to assist residents who will be negatively impacted. NJDEP’s proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats.

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Somers Point opposes the Protecting Against Climate Threats (PACT) Regulations as presented.

BE IT FURTHER RESOLVED, that the sea level rise projections being used by NJDEP be subject to a scholarly peer review prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the NJDEP regulations be based on a 20- or 30-year timeframe and adjusted over time to cater to the impacts of sea level rise and resiliency measures rather than based on an 80-year projection.

BE IT FURTHER RESOLVED, that NJDEP ensure that policy officials and stakeholders have an opportunity to review and evaluate the New Jersey Coastal Resiliency Plan before proposing rules that seek to solve many issues the report will purportedly identify.

BE IT FURTHER RESOLVED, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the NJDEP provide follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations effect specific properties.

Resolution No. 74 of 2021

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

No. 74 of 2021

Subject: Authorizing Participation in the Omnia Partners (formally U.S. Communities) Purchasing Cooperative

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 52:34-6.2 permits contracting units to participate in nationally recognized purchasing cooperatives; and

WHEREAS, Omnia Partners (formally U.S. Communities) is a nationally recognized purchasing cooperative that has acted as the lead agency and awarded contracts for various goods and services; and

WHEREAS, the City of Somers Point was previously a participant in the U.S. Communities Purchasing Cooperative; and

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WHEREAS, participation in the Omnia Partners Purchasing Cooperative will provide the City with greater purchasing flexibility, opportunities to achieve cost savings, and a reduction in administrative expenses; and

WHEREAS, in order to participate in the Omnia Partners Purchasing Cooperative it is necessary for the City to enter into an Interlocal Contract for Cooperative Purchasing.

NOW, THEREFORE BE IT RESOLVED that, pursuant to the provisions of N.J.S.A. 52:34-6.2, the City Administrator is hereby authorized to enter into an Interlocal Contract for Cooperative Purchasing with Omnia Partners Purchasing Cooperative, a copy of which is attached hereto and made a part hereof.

Old Business:

None

New Business:

Council President Johnston reported she was approached by the Egg Harbor Township Submariners who maintain the memorial on Bethel Road. They are requesting a formal agreement with the City, so they do not have to move the memorial. Council Member Dill stated he would like to see the City move forward with some type of agreement. Solicitor Smith will move forward with researching what can be done.

Discussion of Bills:

Administrator Frost reported a Bill List dated 3/23/2021 in the amount of \$1,973,736.71.

Public Portion:

The meeting was duly opened to the public.

Gina of 110 W. Ocean Avenue has concerns regarding ADA accommodations throughout the City. She also had complaints about work the gas company has done on and around her property.

Theresa Dougherty of 26 Dogwood Drive had questions regarding the process of getting the background check and fingerprints for the volunteers for Little League. She also questioned the status of the sidewalk project on Route 9 and asked for information and/or status updates regarding the project. Additionally, she mentioned another section of the

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road that is managed by the State that is not expected to be completed for several years. She asked if anything can be done to expedite this project.

Stacie Brookbank of 23 Broadway congratulated the winning poets from Jordan Road School. She mentioned her concerns regarding Kennedy Park, and the issues that arose last summer. She questioned if there will be an attendant on staff this coming season. She also stated the danger of people speeding down Broadway and wanted to bring this concern to City Council.

Amy Sturgis of 1323 Atkinson Avenue stated the need of sidewalks in the City. She thanked the engineer and City Council for their continued support.

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

Payment of Bills:

M/S – McGuigan/Dill

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

Adjournment:

There being no further business to come before City Council, Council Member McGuigan moved, Council Member Ferreri seconded and carried to adjourn the meeting at 9:02 p.m.

Submitted by:

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 4/8/2021