

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 11, 2023**

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

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

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

Open Public Meetings Act:

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

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the 48hr. Waiver for Resolution No. 107 Awarding Bid for the Cedar Ave Sanitary Sewer Extension – Contract 16.

Communications:

None

Mayor's Report:

Mayor Glasser thanked Greg Gregory, Brianna McNair, and Ashley Mathers for their excellent work on Bayfest. He announced that the City's Beach Concerts won first place throughout the Country in USA Today's Outdoor Concert Contest, and he thanked Carmen Moratta and his staff for their efforts. Next, he stated that the Memorial Day Parade and Service will take place on Monday, May 29th, starting at 11 a.m. and on Friday, May 26th at 2 p.m., there will be a County Memorial Service at Estell Manor Park. He mentioned that on May 5th, the AMVETS had their convention in town where Fred Vineyard was re-elected Commander. Lastly, he is honored to be presenting awards at Atlantic County Institute of Technology on May 15th for their Jr. ROTC Award Ceremony and to have them in our Memorial Day Parade.

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Administrator's Report:

None

Solicitors Report:

None

Engineers Report:

Engineer Schneider reported that the Bay Avenue Light Project continues and that when the lights are delivered in two to three weeks, the installation should take one week. He also mentioned that the bus shelters on Rt. 9 are complete. In addition, with the Sunset Avenue Redevelopment Project, the Planning Board recommends putting a bus stop at the corner of Pleasant Avenue and Shore Road. The bus stop would need to be in the right-of-way of Atlantic County, therefore, if City Council agrees, the City will need to send a letter requesting the installation of a bus shelter at that location to the County Executive Levinson.

Committee Reports:

- Garden Club – Council Member Bruno attended the Garden Club meeting and reported that the Pride in the Point Garden Contest is open until June 20th. Registration slips are available at the Library and City Hall, and the winners will be recognized at the August 24th City Council Meeting.
- Recreation Commission – Council Member McGuigan stated that the Recreation Commission voted and agreed to order 20 new picnic tables and 4 new grills for Kennedy Park. In addition, the repair of the lights that have been out at the fishing pier under Rt. 52 will start soon and Atlantic City Electric has agreed to pay. He mentioned that Resolution No. 103 of 2023 from tonight's meeting will indicate the new boat ramp rates. Lastly, he announced that the bike path improvements are ongoing. Council Member McCarrie also mentioned that along with County Clerk Joseph Giraldo, they came up with the idea to have a group wedding at the beach concert on June 30th. He stated that the Recreation Commission has approved this idea.
- Personnel Committee – Council Member McGuigan reported that the Personnel Committee met with Administrator Frost and recommended having Allison Giampapa, from the City Clerk's Office, move to full-time. He also mentioned that the Teamsters negotiations would be discussed in the Executive session. Furthermore, the Committee has decided to increase the time of Mark McCrane, of the Construction Office, from two days to three because of the growing increase of

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inspections. Mark's services are received through the shared services with Galloway and this increase would only cost the City \$5,000.00 for the year.

- Arts Commission – Council Member McGuigan announced that the Arts Commission had their annual Young Youth Poets Contest and has selected the winner. He asked for a resolution on the next meeting's agenda. He also said that the participants will come to the next meeting on May 25th to sample their work.
- Environmental Commission – Council Member McGuigan reiterated the recommendations the Environmental Commission and the Green Team had made for the City's code to implement with new constructions. They recommend having bike rack requirements; planting trees on the property and if they cannot be planted on site, then they need to be planted on public property; and the adjustment of landscaping requirements for developments. Council Member McGuigan will be meeting with John Helbig and Solicitor Smith to discuss and move these recommendations forward. Moreover, he noted that the Green Team cleaned and planted native plants at the property at 10th Street and Dobbs Avenue. Next, he revealed that the Osprey sign has been finalized; they are just waiting for the delivery. Lastly, he stated that they will be asking to submit a grant application for \$5,000.00 to develop a comprehensive plan for the bike path.
- Cannabis Committee – Council Member DePamphilis met with the Cannabis Committee and their recommendation is to move forward and start out with one retail store and one distribution center located on Route 9 or McArthur Boulevard.
- Economic Development Advisory Commission (EDAC) – Representing EDAC, Chuck Westcott announced that earlier this year, they began seeking a suitable marketing firm to represent the City, and EDAC, along with City Administrator Frost developed a Request for Proposal (RFP). Five bidders submitted a quote and all five met the criteria of the RFP, therefore, a subcommittee was formed to analyze and review the bidders in detail. After more review, the bidders were reduced to three and all were willing to work within the City's budget requirements. With the approval of City Council, EDAC recommends moving forward with the selection of a suitable marketing firm to begin work developing a plan that can be executed starting June 1st. The initial proposed goals would be to build a marketing plan for a season, which would be from June to September, and to begin routine internal work using existing resources to market to the City and surrounding area residents, such as, website, calendar, and Facebook updates, as well as, other social media. In addition, they would work in conjunction with the Business Association to stabilize businesses in town, help those transitioning in, and attract new businesses to open a second location in the City. He thanked City Council for the opportunity to work on this project, and he seeks their support in moving forward and awarding the contract to one of the recommended firms, Suasion or Performance Marketing.

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Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Bruno and carried to approve the Regular Meeting Minutes of 4/27/2023.

Ordinances:

Ordinance No. 10 of 2023

(First Reading/Introduction)

M/S- Owen/McCarrie

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

Solicitor Smith noted that this ordinance was recommended by City Engineer Schneider and is supported by both EDAC and the Business Association.

No. 10 of 2023

An Ordinance Amending the Somers Point Municipal Code Chapter 114 Development Regulations; Article VII, GB General Business District; Article VIII, HC-1 Highway Commercial-One District; Article IX, HC-2 Highway Commercial-Two District; and Article XII, TC Transient Commercial District Relative to Requirements of Off-Street Parking for Restaurants

WHEREAS, the City of Somers Point has enacted certain developmental regulations, as set forth in Chapter 114 of the City Code; and

WHEREAS, Section 114-5 of said Chapter, enumerates the nineteen (19) different districts within the City; and

WHEREAS, each district, including those of the commercial/business districts, sets forth certain requirements for development within the City which are intended to enhance living conditions and business operations; and

WHEREAS, Article VII, GB General Business District; Article VIII, HC-1 Highway Commercial-One District; Article IX, HC-2 Highway Commercial-Two District; and Article XII, TC Transient Commercial District all set forth minimum requirements for off-street parking for restaurants in the City; and

WHEREAS, in recent years, with the further development of additional bike paths and routes through the City, it has now developed a reputation of being a bicycle friendly community, resulting in an increase in bicycle ridership throughout the City; and

WHEREAS, in the last few years, the City has also seen an increase in ridesharing services, such as Uber and Lyft; and

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WHEREAS, the increase in bicycle riding in the City, as well as individuals using ridesharing services, has had the effect of reducing the amount of parking necessitated for the City’s restaurant businesses; and

WHEREAS, the City’s Engineer, having been asked to review the parking requirements for restaurants in the aforesaid four (4) commercial/business districts in the City, has opined that increasing the number of seats required per each off-street parking space from three (3) to five (5) would be appropriate and consistent with engineering and planning standards.

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:

SECTION 1:

Chapter 114 of the Code of the City of Somers Point, Article VII, GB General Business District, Section 114-39, Minimum Off-Street Parking, Paragraph A(3) is hereby amended to read as follows: Restaurants: one space for every five seats.

SECTION 2:

Chapter 114 of the Code of the City of Somers Point, Article VIII, HC-1 Highway Commercial-One District, Section 114-51, Off-Street Parking, Paragraph B is hereby amended to read as follows: For restaurants: one on-site off-street parking space for each five seats devoted to service.

SECTION 3:

Chapter 114 of the Code of the City of Somers Point, Article IX, HC-2 Highway Commercial-Two District, Section 114-58, Off-Street Parking, Paragraph C is hereby amended to read as follows: Coffee shops and restaurants: one off-street on-site parking space for each five seats devoted to service.

SECTION 4:

Chapter 114 of the Code of the City of Somers Point, Article XII, TC Transient Commercial District, Section 114-77, Off-Street Parking, Paragraph B is hereby amended to read as follows: For coffee shops and restaurants: one on-site off-street parking space for each five seats devoted to service.

SECTION 5:

All other provisions of Chapter 114 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 6:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 7:

Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 8:

This ordinance shall take effect upon its review by the Planning Board of the City of Somers Point, and final passage, publication and adoption in the manner prescribed by law.

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Ordinance No. 11 of 2023
(First Reading/Introduction)
M/S- Dill/McCarrie

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

No. 11 of 2023

**An Ordinance Amending the Somers Point Municipal Code Chapter 75,
Alcoholic Beverages; Article I, Licensing Provisions; Section 75-5, Number of
Licenses Per Applicant**

WHEREAS, the City of Somers Point has previously enacted Ordinance No. 75-5 relative to limiting to one license, the number of liquor licenses that may be held by “one person, corporation, firm, partnership, club or association;” and

WHEREAS, investigation by representatives of the City reflects that said ordinance may have been enacted in or around 1939, and is dated relative to the failure to contain language including all forms of legal entities that may hold such a license; and

WHEREAS, it has become evident to the Somers Point Police Department, which investigates each license application, that the language of said ordinance may not be sufficiently clear as to how many licenses a person may own or have an ownership and/or vested interest in by virtue of said individual having an ownership and/or vested interest in another legal entity, partnership or group; and

WHEREAS, pursuant to investigation, the Somers Point Police Department has determined that there would be no reason to object to allowing a person to individually own or have an ownership and/or vested interest in in up to two (2) liquor licenses by virtue of said individual maintaining an ownership and/or vested interest in another legal entity, partnership, and/or group; and

WHEREAS, it is the recommendation of the Somers Point Police Department that said ordinance be modified to reflect sufficiently clear language wherein a person may own or maintain an ownership and/or vested interest in in up to two (2) liquor licenses by virtue of said individual maintaining an ownership and/or vested interest in another legal entity, partnership, and/or group; and

WHEREAS, based on the aforesaid recommendations by the Somers Point Police Department, it is the wish of this City Council to amend said ordinance for purposes of clarifying the language of same and set the number of licenses which may be issued to certain applicants.

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:

SECTION 1:

Chapter 75 of the Code of the City of Somers Point, entitled Alcoholic Beverages; Article I, Licensing Provisions; Section 75-5, Number of Licenses Per Applicant, is hereby amended to read as follows:

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A person may individually own or maintain an ownership and/or vested interest in in up to two liquor licenses by virtue of said individual maintaining an ownership and/or vested interest in a corporation, limited liability company, firm partnership, club, association or any legal entity, within the City of Somers Point. Each license shall be issued for one premise only.

SECTION 2:

All other provisions of Chapter 75 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4:

Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5:

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

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

John Helbig of 106 East Dawes Avenue asked for clarification on Resolution No. 104 of 2023.

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

Resolution No. 98 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 98 of 2023

Subject: Taxes Cancelled and Refunded Block 2043, Lot 4, Qualifier C0042

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

WHEREAS, the property owner at 42 Bayside Drive is a 100% permanently and totally disabled veteran; and

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WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption beginning on March 2, 2023; and

WHEREAS, the taxes for 2023 should be canceled and refunded in the amount \$2,746.26; and

WHEREAS, all future tax billing should be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled and refunded.

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

Block	Lot	Qual.	Owner	Amount	Year
2043	4	C0042	Charles J. Roman	\$2,746.26	2023 (cancelled and refunded)

Total \$2,746.26

Resolution No. 99 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 99 of 2023

Subject: Authorizing Estimated Tax Billing

Introduced by: Council President Johnston

WHEREAS, at this time it is unknown if the City will receive its certified tax rate from the County by June 14, 2023, which would delay the processing and delivery of tax bills; and

WHEREAS, under these circumstances it may become necessary to issue estimated tax bills for the third quarter of 2023; and

WHEREAS, the Tax Collector in consultation with Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 to be between \$36,006,470.31 and \$39,796,625.07.

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

- 1.) Upon the written authorization of the City Administrator the Tax Collector is directed to immediately prepare and issue estimated tax bills for the City of Somers Point for the third quarter of 2023 in accordance with the provisions of N.J.S.A 54:4-66.2 et seq.

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- 2.) The entire estimated tax levy for 2023 is hereby determined to be \$39,611,910.62.
- 3.) The Tax Collector is authorized to take any additional steps necessary to implement this resolution.
- 4.) Certified copies of this resolution shall be forwarded to the Tax Collector and the Chief Finance Officer by the City Clerk.

Resolution No. 100 of 2023

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

No. 100 of 2023

Subject: Tax Overpayment Refund Block 723 Lot 24

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

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

WHEREAS, the property tax payments were overpaid inadvertently creating an overpayment and;

WHEREAS, the property owners has requested the overpayment be refunded to Trident Land Transfer.

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

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

Block	Lot	Property Owner Address	Amount	Year
723	24	3 Hamilton Drive	\$1,802.32	4 th Qtr. 2022

Total: \$1,802.32

Resolution No. 101 of 2023

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 101 of 2023

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Subject: Requesting Cancellation of Grant for FEMA FY 2018 PDM Exton Road Pump Station

Introduced By: Council President Johnston

WHEREAS, in 2018 the City of Somers Point applied for a FY 2018 Predisaster Mitigation (PDM) Grant from the Federal Emergency Management Agency (FEMA) for the Exton Road Stormwater Pumpstation; and

WHEREAS, on August 11, 2023, The City was notified that it was awarded a grant in the amount of \$287,887.50 with a required match of \$95,962.50 ; and

WHEREAS, the requirements of the PDM grant states that the project must be achieve a benefit cost ratio of one or greater which is determined by dividing the projects anticipated benefits by the project cost; and

WHEREAS, the Engineer's estimate for the project was based of 2018 construction prices; and

WHEREAS, the City has bid the project twice and the cost of construction has escalated greatly since the original estimate in 2018; and

WHEREAS, the project no longer meets the requirements of obtaining a benefit cost ratio of one or greater; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City requests cancellation of the above listed grant and that the Mayor, City Administrator, and City Clerk are hereby authorized and directed to execute all documents in this regard on behalf of the City.

BE IT FUTHER RESOLVED by the City Council of the City of Somers Point that the City Administrator and City Engineer are authorized to investigate other funding opportunities, which will be subject to approval by City Council.

Resolution No. 102 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 102 of 2023

Subject: Resolution Authorizing Entry of Participation Agreements in Partial Settlement of the National Prescription Opiate Litigation

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

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WHEREAS, the City of Somers Point ("City") and its residents have suffered harm from the opioid epidemic; and

WHEREAS, the City recognizes that the entire State of New Jersey has suffered harm as a result of the opioid epidemic; and

WHEREAS, National litigation has been commenced to address the public nuisance that is the Opioid Epidemic, naming certain companies as defendants, of which the State of New Jersey, the County of Atlantic, and the City of Somers Point have previously participated in; and

WHEREAS, in 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors—McKesson, Cardinal Health, and AmerisourceBergen and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson, of which the City participated in pursuant to Resolution No. 217 of 2021.

WHEREAS, in late 2022, agreements were announced in this National litigation with three pharmacy chains—CVS, Walgreens, and Walmart—and two additional manufacturers—Allergan and Teva in connection with this national litigation, of which the State of New Jersey, its Counties, and their political subdivisions were offered the opportunity to opt in on; and

WHEREAS, the City of Somers Point was included in the political subdivisions which were offered the opportunity to opt in on the settlement so as to participate in the settlement proceeds issued by the five (5) aforesaid businesses; and

WHEREAS, the deadline for submitting the required documentation April 18, 2023; and

WHEREAS, the notification given of such an opportunity to submit said documentation was insufficient so as to allow the aforesaid settlement to be presented to Council prior to the deadline for such submission, and was duly executed and submitted by the City's Administrator; and

WHEREAS, City Council, in recognizing the monetary benefit to participating in such settlement hereby wishes to retroactively authorize the actions of the City Administrator.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Somers Point in the County of Atlantic, State of New Jersey that the actions of the City Administrator in executing and submitting the required Participation Agreements in this latest Opioid Settlement is hereby authorized.

Resolution No. 103 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McCarrie believes that moving forward, Somers Point residents should be given a discount on the boat ramp fees.

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Council Member McGuigan agreed with Council Member McCarrie, however, he explained that with the devices being used, they were only able to set up one rate and that hopefully they would be able to offer a discount in the future.

No. 103 of 2023

Subject: A Resolution Authorizing the Implementation of Fees for the Use of the Boat Ramps Located at the Route 52 Bridge and John F. Kennedy Park

Introduced by: Councilmen McGuigan, McCarrie and Owen

WHEREAS, the City of Somers Point (“City”) owns and maintains two (2) boat ramps in the City, one at the Route 52 Bridge and one at John F. Kennedy Park; and

WHEREAS, said properties are under the authority of the City’s Board of Recreation Commissioners (“Rec Board”) pursuant to N.J.S.A. 40:12-6; and

WHEREAS, the City has in the past been authorized by the Rec Board to charge for the use of the City’s boat ramps; and

WHEREAS, for the year 2023, the Rec Board has authorized the City to again charge for the use of the City’s two boat ramps; and

WHEREAS, City Council now wishes to set fees for the use of said boat ramps for the year 2023; and

WHEREAS, these rates are subject to amendment at the discretion of the Governing Body and/or Business Administration Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that fees for the public use of the City’s boat ramps located at the Route 52 Bridge and John F. Kennedy Park are to be as follows:

1. Daily Rate - \$ 10.00
2. Monthly Rate - \$ 35.00
3. Annual Rate - \$150.00

Resolution No. 104 of 2023 (TABLED)

M/S- Dill/McGuigan

This resolution was tabled.

Resolution No. 105 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

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No. 105 of 2023

AUTHORIZING EXECUTIVE SESSION

Subject: MATTERS REQUIRING ADVICE OF COUNSEL

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 are one (1) topic which requires the advice and counsel of Special COAH Counsel and are matters 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 May 11th, 2023, 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.

3 “(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:

- 1. Advice of Counsel and attorney client communication regarding the status of legal and procedural issues pertaining to a plan for development of properties located at 49 Defeo Lane (Block 525, Lots 2.01) including the provision of affordable housing obligations in compliance with Somers Point Municipal Code Chapters 69 and 114-86.1.G, a 2008 Court approved Settlement Agreement, the April 26, 2018, Court approved Settlement Agreement between the City and Fair Share Housing Center, and the City’s Housing Element and Fair Share Plan.**

WHEREAS the length of the Executive Session is estimated to be approximately 45– 60 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.

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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	Action by City Council.

Resolution No. 106 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 106 of 2023

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF
NEGOTIATIONS BETWEEN THE CITY AND THE TEAMSTERS**

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 Special COAH / Redevelopment Counsel 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 May 11, 2023, 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

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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 negotiations between the City and the Teamsters Union Local No. 115 Contract.

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 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	Action by City Council.

Resolution No. 107 of 2023

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 107 of 2023

Subject: Awarding Bid for the Cedar Ave Sanitary Sewer Extension – Contract 16

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Introduced by: Council Members Dill, McGuigan, and Owen

WHEREAS, on May 4th 2023 the City of Somers Point received bids for the Stanford Road Sanitary Sewer Main Replacement – Contract No. 16; and

WHEREAS, Seashore Associated Mechanical Contractors, Inc of Egg Harbor City, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Sewer Utility Engineer’s office has recommended that the City award the contract to Seashore Associated Mechanical Contractors, Inc of Egg Harbor City, New Jersey in the amount of \$109,275.00.

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

- 5.) The Contract for the Stanford Road Sanitary Sewer Main Replacement – Contract No. 16 project is hereby awarded to Seashore Associated Mechanical Contractors, Inc of Egg Harbor City, New Jersey in the amount of \$109,275.00.
- 6.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Seashore Associated Mechanical Contractors, Inc signing on behalf of the City.

Old Business:

Cannabis Committee:

Solicitor Smith conveyed that the recommendation of the Cannabis Committee would be to open one retail store and one distribution center. Before meeting with the Planning Board to discuss any possible amendments to the Master Plan, he would like a consensus for City Council on who agrees or disagrees with one retail and one distribution.

Council Members Owen, Bruno, DePamphilis and Council President Johnston agree that the City should start with opening one retail store and one distribution center. Council Member McCarrie believes that the City should not be limited to only one, but should allow five stores, therefore, in the future, if the need arises, a new store can open. He does, however, agree to starting out with just one. Council member Dill agrees with one store and one distribution center; however, he is concerned about the revenue and if the State will impede the revenue. Solicitor Smith clarified that if City Council should change their mind, they can cease work on this topic. Council Member McGuigan does not agree with opening any retail or distribution centers in the City.

Next, Solicitor Smith reiterated that for location, the Committee recommends the stretch of Route 9 from Bethel Road to Chestnut Street. He also clarified that any potential store or distribution center needs to be at least 200 feet from the property line of a school. Council Member McGuigan asked if the 200 feet applied to playgrounds and recreation fields. Solicitor Smith replied that the recommended location is Route 9 and there are no playgrounds or recreation fields in the proximity.

Afterward, Solicitor Smith went over the restriction on operations, which included the hours of operation, to which City Council agreed on the hours of 10 a.m. to 8 p.m. Furthermore, he listed: allowing businesses

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to offer delivery and drive through in accordance with the same business hours; signage, capacity, and parking requirements allowed under current ordinance; the recommendation of having two security guards on site; waste disposal once a week at a minimum; and the need to work on how to limit congregation. Council Member Dill expressed his concern with delivery and Council Member McGuigan questioned the license procedure of delivery. Solicitor Smith explained that he believes the delivery process would be like delivering alcohol and that delivery is included in the license of the business.

Solicitor Smith then reminded City Council that the tax intake for a retail store is 2% and 1% for a distribution center, which is the maximum allowed by law. He reiterated that the next step would be to meet with the Planning Board and discuss possible changes to the Master Plan. Any modifications to the Master Plan would then be adopted through an ordinance before City Council can introduce a cannabis ordinance. He also recommended that Council Member Dill not be a part of the Planning Board Committee working on this topic.

Lastly, Council President Johnston announced that like Council Member McGuigan, she is not in favor of the legalization of cannabis, however, she is in favor of opening a store because she feels that cannabis is already in our City, so we should be profiting from it. Council Member McCarrie stated that he is in favor of a retail store because it would provide patrons with clean, unlaced marijuana. Council Member Dill expressed his agreement with both Council President Johnston and Council Member McCarrie.

New Business:

- Approval of Social Affair Permit Cornhole Craze on May 27, 2023, from 1:00 p.m. to 11:45 p.m. and on May 28, 2023, from 4:00 p.m. to 11:45 p.m. Council Member Dill recused himself from voting.

Discussion of Bills:

Administrator Frost reported a Bill List dated 5/09/2023 in the amount of \$4,260,573.12.

Public Portion:

The meeting was duly opened to the public.

Rob Protesto of 108 Woodland Avenue asked for clarification on a straw vote and expressed his disagreement with opening a cannabis retail store or distribution center.

Rich Croft of Berlin, New Jersey, is opening a grow and dispensary facility in Atco, New Jersey, and offered City Council some recommendations. He recommends opening two retail stores instead

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of a distribution center because without a grow center, he thinks the distribution center would not generate a lot of business. He explained that every facility has armed guards, panic buttons, and cameras that are monitored by the Cannabis Regulatory Commission. He also mentioned that in addition to a drive through, he offers preordering online, which limits any congregation on the premises. He believes that there is nothing wrong with the cannabis industry if it is regulated correctly.

Patricia Pierson of 587 Marks Road inquired about the progress of the boat ramps and for clarification on liquor licenses. She also expressed her disagreement with opening a cannabis store.

Theresa Dougherty of 26 Dogwood Drive offered her endorsement in opening a cannabis retail store.

Maureen Helbig of 106 East Dawes Avenue inquired about potential issues that may arise with the opening of a cannabis store. She also questioned whether any updates had been made to the Senior Citizen Center.

Chuck Westcott of 617 6th Street announced that the Somers Point Foundation for Education is sponsoring a celebration recognizing teachers, Thursday, May 25th at Somers Point Brewing Company where they will be doing a 50/50 cash raffle. Proceeds will go to the foundation, which provides support for programs, trips, and events that benefit the children.

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

Payment of Bills:

M/S: McCarrie/Bruno

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

Comments from Governing Body:

Council Member McGuigan asked for clarification on the difference between purchasing medical and recreational marijuana.

Recess:

The Governing Body recessed for an Executive Session at 8:35 p.m.

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Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:05 p.m.

Adjournment:

There being no further business to come before City Council, Council Member McCarrie moved, Council Member Bruno seconded and carried to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 5/25/2023