

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 23, 2024**

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

**Also Present:** Mayor Tapp, Administrator Frost, City Clerk Samuelson, Deputy City Clerk Heath, City Solicitor Smith, and City Engineer Schneider

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**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.

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A moment of silence was held for Doug Heiler and Retired Police Chief Salvatore Armenia.

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Council President Johnston asked for a 48-hour waiver to add Resolution No. 144 of 2024 to the agenda. On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the 48-hour waiver for Resolution No. 144 of 2024.

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Council President Johnston moved Resolution Numbers 144 and 135 to the top of the agenda.

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**Public Portion Resolutions (144 and 135 only):**

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

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**Resolution No. 144 of 2024**

**M/S-** McGuigan/Dill

This resolution was adopted by unanimous vote of those present.

Council President Johnston read aloud the resolution.

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Council Member McGuigan acknowledged former City Clerk Carol Degrassi and shared his utmost appreciation towards City Clerk Samuelsen for her dedication to the City.

Council Member Dill reiterated that City Clerk Samuelsen has been an asset to the City. He thanked her for her devotion and wished her good luck on her retirement.

Council President Johnston showed her gratitude to City Clerk Samuelsen for all her help over the years.

Mayor Tapp recognized City Clerk Samuelsen's commitment and stated that she will be missed.

Council Member Owen wished City Clerk Samuelsen all the best with her future endeavors.

Council Member McCarrie thanked City Clerk Samuelsen and wished her a great retirement.

Council Member Haberkorn mentioned how grateful he was for City Clerk Samuelsen's patience and assistance, and he hopes she enjoys her retirement.

Council Member DePamphilis commended City Clerk Samuelsen's service to the City and wished her a wonderful retirement.

**No. 144 of 2024**

**Saluting and Congratulating City Clerk Lucy R. Samuelsen**

**WHEREAS**, the City of Somers Point appointed Lucy R. Samuelsen as Deputy City Clerk in October of 2011; and

**WHEREAS**, on August 4, 2016, Lucy was appointed as the City Clerk/Registrar of Vital Statistics for the City of Somers Point and served with distinction and dedication until May 31, 2024; and

**WHEREAS**, during her tenure in the City Clerk's Office, Lucy was instrumental in upgrading technology and modernizing the City Clerk's office as well as microfilming and preserving the City Council records and vital statistics records; and

**WHEREAS**, Lucy's deep base of knowledge of Municipal Government as well as her work ethic and intellect were an excellent resource for many of her fellow employees and elected officials; and

**WHEREAS**, during her career as a City Clerk, Lucy has served as the President, Vice President, and Secretary of the Atlantic County Municipal Clerks' Association; and

**WHEREAS**, Lucy has also been an active member of the Municipal Clerk's Association of New Jersey, serving as the Secretary and the Treasurer for the organization; and

**WHEREAS**, in addition to performing her duties as a Municipal City Clerk, Lucy also taught as an Adjunct Professor at Rutgers University, imparting her knowledge and wisdom to those seeking the Registered Municipal Clerk License; and

**WHEREAS**, Lucy's energy and enthusiasm will most certainly be missed by all those who had the opportunity to work with her over the years.

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council, on behalf of themselves, the employees, and the residents of the City of Somers Point, hereby sincerely thank Lucy R. Samuelsen for her many years of loyal service and dedication to the City of Somers Point; and  
**BE IT FURTHER RESOLVED** that Lucy R. Samuelsen is the epitome of a public servant and that the Mayor and City Council extend their best wishes and hopes for much happiness in her retirement.

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**Special Presentations:**

Senator Vincent Polistina presented City Clerk Samuelsen with a Proclamation from Congressman Jefferson Van Drew and a Legislative Accommodation on behalf of himself, Assemblyman Donald Guardian, and Assemblywoman Claire Swift, recognizing her time as a City Clerk.

County Commissioner Maureen Kern presented City Clerk Samuelsen with a Proclamation on behalf of the Atlantic County Board of Commissioners honoring her on her retirement.

Mayor Tapp and City Council presented City Clerk Samuelsen with a commemorative plaque and a signed copy of Resolution No. 144 of 2024.

City Clerk Samuelsen shared her gratitude towards the employees, Mayor Tapp, City Council, City Administrator Frost, and former City Clerk Degrassi. Next, she thanked her family for their continued support and congratulated incoming City Clerk Heath on her appointment.

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**Resolution No. 135 of 2024**

**M/S-** Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan conveyed his confidence in Incoming City Clerk Heath and looks forward to her tenure.

Council Member Dill wished Incoming City Clerk Heath luck in her new position and gave her his full support.

Council President Johnston revealed that she looks forward to working more closely with Incoming City Clerk Heath.

Incoming City Clerk, Shelby Heath, was sworn in by City Clerk Samuelsen, while her husband Dylan held the bible.

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**No. 135 of 2024**

**Subject: Appointment of City Clerk**

**Introduced By: Council Members Dill, McGuigan and McCarrie**

WHEREAS, there is a need to appoint a City Clerk due to the retirement of Lucy R. Samuelsen; and

WHEREAS, the position of City Clerk was advertised and the City Council Personnel Committee and Business Administration Office have made the recommendation to appoint Shelby Heath to the position of City Clerk; and

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

WHEREAS, Shelby Heath has been employed by the City of Somers Point since October 1<sup>st</sup> 2012 and has served as the Somers Point Deputy City Clerk since September 1<sup>st</sup> 2016; and

WHEREAS, Shelby Heath possesses a current, valid Registered Municipal Clerk certification issued by the New Jersey Department of Community Affairs.

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

1. Pursuant to N.J.S.A. 40A:9-133 et seq, and contingent upon Lucy R. Samuelsen's retirement, Shelby Heath is hereby appointed City Clerk effective June 1<sup>st</sup>, 2024 for a term which will expire May 31<sup>st</sup>, 2027.

2. Along with any other duties, in connection with this appointment, Shelby Heath shall perform the duties of Municipal Clerk (Civil Service code 02521, unclassified), Registrar of Vital Statistics (Civil Service code 07523, unclassified), and Municipal Search Officer.

3. Shelby Heath's salary for the performance of these duties for a one-year period beginning June 1<sup>st</sup>, 2024, shall be \$80,000.

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**Communications:**

None

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**Mayor's Report:**

Mayor Tapp announced that the Memorial Day Parade will take place on 5/27/2024 starting at 11:00 a.m. followed by a service at Patriots Park. He encouraged all to attend.

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**Administrator's Report:**

None

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**Engineer's Report:**

City Engineer Schneider asked City Council for suggestions on locations for new bus shelters along Shore Road, which will be included in the Safe Streets to Transit Grant.

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**Solicitor's Report:**

None

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**Committee Reports:**

Council Member Haberkorn met with the School Board and reported back on vacancies that have been filled, as well as recently passed legislation, stating that the State will be returning approximately \$500,000.00 in State aid back to the district and removing a 2% cap on the increase of school taxes. He mentioned that the City should be expecting an updated School Budget by mid-July.

Council Member Owen conveyed that the Art Commission has four upcoming sessions of a basic watercolor workshop, which will be held at the Senior Center.

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**Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 5/9/2024 and Executive Session Meeting minutes of 5/11/2023, 6/8/2023, 6/22/2023, 1/11/2024, 4/25/2024, approved as to content only, with Council Member Haberkorn recusing from the 2023 Executive Session Meeting minutes.

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**Ordinances:**

**Ordinance No. 13 of 2024**

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*(Second Reading/Public Hearing/Adoption)*

**M/S-** Owen/Dill

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

Council President Johnston duly opened the meeting to the public.

Samantha W., a South Jersey resident, began to suggest the creation of a homeless shelter at the Christ Episcopal Church.

Council President Johnston announced that this public portion is for Ordinance No. 13 of 2024 only and that she is more than welcome to speak during the public portion towards the end of the meeting.

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

**No. 13 of 2024**

**An Ordinance Amending Chapter 250 – Vehicles and Traffic,  
Article V – Residential Parking Permits, Section 250-56 –  
Issuance of Residential Parking Permits**

**WHEREAS**, N.J.S.A. 39:4-197 authorizes a Municipality, by ordinance, to regulate parking on its streets; and

**WHEREAS**, Section 250-56 of the Code of the City of Somers Point addresses the issuance of residential parking permits; and

**WHEREAS** Section 250-54 identifies Higbee Avenue as a street wherein parking is allowed during certain hours with a residential permit; and

**WHEREAS**, 744 Shore Road is a two-unit, residential property with certain limited parking; and

**WHEREAS**, a request has been made to extend the right of parking permits on Higbee Avenue to 744 Shore Road; and

**WHEREAS**, City Council recognizes that uniqueness of the parking situation of 744 Shore Road, and wishes to ensure the safety of its residents by not having to park on Shore Road. or in having to cross Shore Road to access their vehicles.

**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.** The Somers Point Municipal Code Chapter 250 - Vehicles and Traffic, Article V – Residential Parking Permits, Section 250-56 – Issuance of Residential Parking Permits, Paragraph E is hereby amended to read as follows:

- E. With the exception of that property identified as 744 Shore Road, residential parking permits are valid only within the designated areas on the street where the applicant resides and may not be used on any other street or restricted area. 744 Shore Road shall be entitled to permit parking on Higbee Avenue as if a residence on that street.

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**SECTION 2:** All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

**SECTION 4:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 5:** 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 6:** This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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City Solicitor Smith inquired about the status of the previously tabled Ordinance No. 4 of 2024. Council President Johnston responded with her plans to include discussions of the ordinance in the agenda for the next meeting.

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**Resolutions:**

**Public Portion Resolutions:**

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

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**Resolution No. 136 of 2024**

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 136 of 2024**

**Subject:** Appointment of Public Agency Compliance Officer

**Introduced By:** Council Members Dill, McGuigan and McCarrie

**WHEREAS**, the State Affirmative Action Office, Department of the Treasury, requires that an official person be designated as a liaison and to serve as a Public Agency Compliance Officer.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby appoints Shelby Heath, to act in this capacity for the City of Somers Point as of June 1<sup>st</sup>, 2024.

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**Resolution No. 137 of 2024**

**M/S-** Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 137 of 2024**

**Subject: Appointing Certifying Agent**

**Introduced By: Council Members Dill, McGuigan and McCarrie**

**WHEREAS**, the rules and regulations of the Civil Service Commission require that the City of Somers Point designate a certifying agent for payroll reports and other matters.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that Shelby Heath is hereby designated as said certifying agent to the Civil Service Commission as of June 1<sup>st</sup>, 2024.

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**Resolution No. 138 of 2024**

**M/S-** Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan expressed the importance of this resolution and indicated that this initiative was created from the discussions held within the Green Team, which has helped them obtain certification through the New Jersey Sustainable Program. He is hopeful that this informational resolution will lead to cleaner construction sites in the community.

Council Member Haberkorn and Mayor Tapp articulated their support for this resolution.

City Engineer Schneider proposed adding the wording from the resolution to future construction contracts, to which City Council all agreed.

**No. 138 of 2024**

**Subject: Promoting Clean and Safe Worksites for Contractors Operating in the City of Somers Point**

**Introduced By: Council Member McGuigan**

**WHEREAS**, The City of Somers Point strives to assure clean land, air, and water, and improve working and living environments as steps to building a sustainable community that will thrive well into the future; and



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**WHEREAS**, by endorsing a sustainable path The City of Somers Point is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, the City of Somers Point recognizes the importance of maintaining clean and safe worksites to protect the environment and public health; and

**WHEREAS**, it is imperative that contractors take measures to minimize the release of dust and plastic contaminants from their worksites, thereby preventing harm to the environment and the community; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point urges all residents and contractors engaged in construction, renovation, or related activities in the City of Somers Point adhere to the following guidelines:

- When cutting, sanding, or drilling AZEK, TREX, any plastic poly-compound materials, or natural or treated wood products, individuals and contractors shall use a vacuum attachment on all saws when practical to minimize the release of dust and microplastic particles.
- Individuals and contractors shall cut, grind, sand, and drill these materials in enclosed areas either within a permanent structure or temporary spaces to keep dust levels to a minimum and facilitate ease of cleanup without creating any severe hardships that may be deemed inequitable.
- Individuals and contractors shall not engage in cutting or drilling activities involving these materials without placing a tarp under power tools to catch debris and contaminants.
- Individuals and contractors shall place tarps in their work areas and clean all work areas a minimum of once a day to prevent the dispersion of dust and plastic contaminants.
- Individuals and contractors shall clean up and remove all wood and plastic contaminants before leaving their worksites, ensuring that no waste is left behind nor can be blown into neighboring properties, our waterways, or the street.
- Individuals and contractors are strictly prohibited from blowing debris, dust, or plastic contaminants into storm drains.
- All individuals and contractors must separate waste and recyclable materials, such as cardboard, and dispose of in accordance with current City ordinances.
- Individuals and contractors are responsible for informing their employees and subcontractors of the requirements of these guidelines.

**BE FURTHER RESOLVED** that copies of this resolution will be available in the City’s Construction/Code Enforcement Office for individuals and contractors applying for construction permits.

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**Resolution No. 139 of 2024**

**M/S- Dill/Haberkorn**

This resolution was adopted by unanimous vote of those present.

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**No. 139 of 2024**

**Subject: Authorizing Termination Agreement with Lucy R. Samuelsen**

**Introduced By: Council Members Dill, McGuigan and McCarrie**

**WHEREAS**, after a long and dedicated service to the City of Somers Point, Lucy R. Samuelsen intends to retire from her position as City Clerk and Registrar of Vital Statistics effective May 31<sup>st</sup>, 2024; and

**WHEREAS**, the City of Somers Point and City Clerk and Registrar of Vital Statistics Lucy R. Samuelsen have mutually agreed to enter into this Termination Agreement and release for good and valuable consideration the adequacy of which is hereby acknowledged.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Somers Point hereby authorizes the City Administrator to enter into an Agreement with Lucy R. Samuelsen in connection with said termination in the form that is attached hereto.  
**BE IT FURTHER RESOLVED THAT**, upon execution, the original Agreement shall be attached hereto and be made a part of this Resolution.

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**Resolution No. 140 of 2024**

**M/S- Haberkorn/Owen**

This resolution was adopted by unanimous vote of those present.

Council Member Dill offered his opinion that unusable vehicles should not be stored in the City Hall parking lot.

Council Member Haberkorn agreed with Council Member Dill and thanked City Council and City Administrator Frost for the initiation of this resolution.

**No. 140 of 2024**

**Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.**

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

**WHEREAS**, the City of Somers Point has determined that surplus items including but not limited to, Miscellaneous Office Equipment, Miscellaneous Recreation Equipment, Public Works Vehicles, Public Works Equipment and Miscellaneous Computer Equipment are property no longer needed for public use; and

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WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

NOW, THEREFORE, BE IT RESOLVED by the City of Somers Point's Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

Length of Auction: 10 Days.

Start Date: Tuesday June 4<sup>th</sup>, 2024 (see schedule A)

End Date: Thursday June 13<sup>th</sup>, 2024 (see schedule A)

Start Date: Tuesday June 6<sup>th</sup>, 2024 (see schedule B)

End Date: Thursday June 14<sup>th</sup>, 2024 (see schedule B)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is".

Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have

been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned.

### Schedule A

1. **Auction 1:** Various Vehicle Emergency Equipment (Police Department)

**Bid Start:** Tuesday June 4<sup>th</sup>, 2024 : 9:00AM

**Bid Stop:** Thursday June 13<sup>th</sup>, 2024 : 9:00AM

2. **Auction 2:** Misc. Computer Equipment (Finance Department)

**Bid Start:** Tuesday June 4<sup>th</sup>, 2024 : 9:00AM

**Bid Stop:** Thursday June 13<sup>th</sup>, 2024 : 9:30AM

### Schedule B

3. **Auction 1:** 2013 Chevrolet Tahoe / 1GNLC2E07DR185519 (Police Department)

**Bid Start:** Tuesday June 18<sup>th</sup>, 2024 : 9:00AM

**Bid Stop:** Thursday June 27<sup>th</sup>, 2024 : 9:00AM

4. **Auction 2:** 2013 Chevrolet Tahoe / 1GNLC2E04DR183310 (Police Department)

**Bid Start:** Tuesday June 18<sup>th</sup>, 2024 : 9:00AM

**Bid Stop:** Thursday June 27<sup>th</sup>, 2024 : 9:30AM

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5. **Auction 3:** 2013 Chevrolet Tahoe / 1GNLC2E03DRI85324 (Police Department)  
**Bid Start: Tuesday June 18<sup>th</sup>, 2024 : 9:00AM**  
**Bid Stop: Thursday June 27<sup>th</sup>, 2024 : 10:00AM**
6. **Auction 4:** 2013 Chevrolet Tahoe / 1GNLC2E07DR186623 (Public Works)  
**Bid Start: Tuesday June 18<sup>th</sup>, 2024 : 9:00AM**  
**Bid Stop: Thursday June 27<sup>th</sup>, 2024 : 10:30AM**
7. **Auction 5:** 1997 Ford Expedition / 1FMEU18W8VLB83285 (Police Department)  
**Bid Start: Tuesday June 18<sup>th</sup>, 2024 : 9:00AM**  
**Bid Stop: Thursday June 27<sup>th</sup>, 2024 : 11:00AM**
8. **Auction 6:** 2010 Ford Crown Vic/2FABP7BVX128972 (Code Enforcement)  
**Bid Start: Tuesday June 18<sup>th</sup>, 2024 : 9:00AM**  
**Bid Stop: Thursday June 27<sup>th</sup>, 2024 : 11:30AM**
9. **Auction 7:** 1999 Jeep Cherokee LJ14FF68S0XL607956 (OEM)  
**Bid Start: Tuesday June 18<sup>th</sup>, 2024 : 9:00AM**  
**Bid Stop: Thursday June 27<sup>th</sup>, 2024 : 12:00AM**

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**Resolution No. 141 of 2024**

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

**No. 141 of 2024**

**Subject: Authorizing Purchase on State Contract Air Conditioner / Condenser for the Somers Point Police Department**

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

**WHEREAS**, N.J.S.A. 40A:11-12(a) permits the City of Somers Point by resolution and without advertising for bids purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

**WHEREAS**, the City of Somers Point has identified a need to purchase Air Conditioner / Condenser for the Somers Point Police Department; and

**WHEREAS**, pursuant to State Contract Number #T1372, Multi-Temp Mechanical, Westville, New Jersey was awarded the State Contract for HVAC, REFRIGERATION AND BOILER SERVICES expiring 10/31/2024; and

**WHEREAS**, the Chief of Police in conjunction with the Business Administrator has researched the equipment available and recommends the replacement of a failing Air Conditioner and Condenser provided by Multi-Temp Mechanical of Westville, New Jersey.

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**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point authorizes the following purchase from Multi-Temp Mechanical of Westville, New Jersey to be ordered retroactive to on or before May 9<sup>th</sup> 2024:

<u>Description</u>	<u>Amount</u>
New Police Department Air Conditioner and Condenser State Contract Number #T1372	\$29,902.00
Total:	<u>\$29,902.00</u>

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**Resolution No. 142 of 2024**

**M/S- McGuigan/Dill**

This resolution was adopted by unanimous vote of those present.

**No. 142 of 2024**

**AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING THE POTENTIAL LEASING OF NEW YORK AVENUE SCHOOL BY THE CITY OF SOMERS POINT FROM THE SOMERS POINT SCHOOL BOARD.**

**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 May 23, 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.”

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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 potential lease of New York Avenue School by the City of Somers Point from the Somers Point Board of Education.**

**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 a potential contract with the Somers Point School Board

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**Resolution No. 143 of 2024**

M/S- McGuigan/Dill

This resolution was adopted by unanimous vote of those present.

**No. 143 of 2024**

**AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING CONTRACTUAL NEGOTIATIONS FOR AMBULANCE SERVICES**

**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-

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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 May 23, 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 privileged communication regarding the contractual negotiations for ambulance services.**

**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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
See Exception 7	Unknown at this time	Discussion by City Council relative to contract negotiations for ambulance services.

\*\*\*\*\*

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 23, 2024**

**Old Business:**

None

\*\*\*\*\*

**New Business:**

- Council Member Haberkorn introduced a new community activity, We Walk Somers Point, which is a walking group with the purpose of promoting health, pursuing fitness goals, and meeting new people. Mayor Tap and City Council conveyed their support.
- City Council approved a New Jersey State Firefighter’s Application for Membership for Bryce Edmunds.

\*\*\*\*\*

**Discussion of Bills:**

Administrator Frost reported a Bill List dated 5/21/2024 in the amount of \$1,649,164.52, a Record of Payment dated 5/10/2024 in the amount of \$1,692.10 and an additional Record of Payment dated 5/10/2024 in the amount of \$12,311.89.

\*\*\*\*\*

**Public Portion:**

Council President Johnston duly opened the meeting to the public.

Nelson Dice, of Ocean City, expressed his dissatisfaction with the City’s Judge and Prosecutor and inquired about the need for Oaths of Office.

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

\*\*\*\*\*

**Payment of Bills:**

**M/S:** Dill/Owen

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:**



**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 23, 2024**

None

\*\*\*\*\*

**Recess:**

The Governing Body recessed briefly before going into Executive Session at 8:05 p.m.

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**Reconvene:**

Council President Johnston reconvened the Governing Body to Open Session at 9:00 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 9:01 p.m.

\*\*\*\*\*

Respectfully submitted,

Shelby Heath, RMC  
Municipal Clerk  
Approved: 6/13/2024