

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 9, 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, 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.

Special Presentation:

Prospective Eagle Scout, Matthew Barnabei discussed his project of painting Maltese crosses near the fire hydrants on City streets.

City Council Members and Mayor Tapp agreed with this venture and thanked Matthew for his endeavors.

Communications:

None

Mayor's Report:

Mayor Tapp detailed upcoming City events, such as the Memorial Day Parade and service on 5/27/2024, the City-Wide Yard Sale on 5/18/2024 and 5/19/2024 and the Somers Point Police Athletic-Activities League blood drive on 6/28/2024. Lastly, he thanked the Police for their efforts in recent accidents.

Council Member Dill added that the Fire Department was also involved in said accidents and commended the teamwork between the Police Department and Fire Department, and between the City of Somers Point and Egg Harbor Township.

Council Member Haberkorn also showed his appreciation towards the Police and Fire Departments.

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Administrator's Report:

None

Engineer's Report:

City Engineer Schneider reported that the final paving of Colwick, Devon and Exton Road has been completed and thanked the residents for their cooperation and patience.

Committee Reports:

Council Member Haberkorn met with the Economic Development Advisory Commission, where they discussed future projects in relation to the Master Plan reexamination. He also mentioned that the Environmental Commission and Green Team planted 6 new trees by the Senior Center, and he listed the Garden's Club upcoming projects.

Council Member Owen stated that the Art Commission will be offering a watercolor class at the Senior Center on 6/1/2024, 6/15/2024 and 6/29/2024. Also at the Senior Center, on 6/22/2024, from 10:00 AM to 3:00 PM, there will be art on display from the Dawes Avenue School third graders. He thanked the art teacher, Ginny Swift, for bringing this to fruition.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 4/25/2024 and Executive Session Meeting minutes of 9/28/2023 approved as to content only.

Public Portion Resolutions (129 only):

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

Resolution No. 129 of 2024

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M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council Member Dill thanked the committee and volunteers for another excellent year.

Council Member Haberkorn thanked everyone for their dedication and superb execution.

Bayfest Chairman, Steve Hornig, shared his appreciation towards all the City Departments for their contributions and community effort.

Mayor Tapp and Council President Johnston presented the resolution to the committee members and volunteers in attendance.

No. 129 of 2024

Saluting The Efforts of the 2024 Bayfest Committee and Volunteers

WHEREAS, the Annual Bayfest Celebration in Somers Point, held this year on April 27th, has become a cherished tradition, bringing joy, unity, and community spirit to our city; and

WHEREAS, the success of the Bayfest Celebration is a testament to the hard work, dedication, and tireless efforts of the committee members who volunteer their time and expertise to organize and execute this remarkable event; and

WHEREAS, the Bayfest Committee Members have demonstrated exemplary leadership, creativity, and passion in planning and coordinating every aspect of the celebration, from entertainment and activities to logistics and safety measures; and

WHEREAS, their commitment to excellence has resulted in a truly memorable experience for residents and visitors alike, fostering a sense of pride in our community and showcasing the beauty and vibrancy of Somers Point; and

WHEREAS, their selfless contributions have contributed significantly to the cultural, social, and economic vitality of our city, attracting visitors, supporting local businesses, and strengthening the bonds of friendship and camaraderie among our citizens; and

WHEREAS, the Bayfest Committee is a volunteer committee that has taken on the responsibility for this event each year; and

WHEREAS, the Bayfest Committee consists of the following individuals: Steve Hornig (Committee Chairman), Shelly Blumenthal, Dierdre Cosgrove, Emerald Hornig, Lynn MacEwan, Jared Manello, Ashley Mathers, and Brianna McNair; and

WHEREAS, on the day of the event, the Committee is joined by a group of volunteers who give their time to help execute the plan for the day, this year those volunteers were John Britton, Muire Cosgrove, Patrick Cosgrove,

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Christine Curcione, Bill Falls, Joe Falls, Charles Haberkorn, John Helbig, Janice Johnston, Jeffrey Kestrel, Shana Kestrel, Ryan McNair, Mike Owen, Doug Shallcross, and Khuyen Tran; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby extends its heartfelt gratitude and appreciation to the Committee Members and Volunteers of the Annual Bayfest Celebration for their outstanding service, dedication, and passion in organizing and producing this beloved community event that helps make the City of Somers Point proud.

Ordinances:

Ordinance No. 12 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

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

City Solicitor Smith detailed a few minor modifications to this ordinance.

On the motion of Council Member McGuigan, seconded of Council Member Dill and carried to approve the amendment of Ordinance No. 12 of 2024.

Council President Johnston duly opened the meeting to the public.

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

No. 12 of 2024

AN ORDINANCE AMENDING CHAPTER 242 – TREES AND SHRUBS, BY DELETING CURRENT ARTICLES I – PROTECTION, AND II – VISABILITY AT INTERSECTIONS, AND REPLACING SAME WITH ARTICLE I – TREE REMOVAL AND REPLACEMENT, AND ARTICLE II – MAINTENANCE REQUIREMENTS

WHEREAS, from time to time, the City of Somers Point (“City”) receives mandatory directives from the New Jersey Department of Environmental Protection (“DEP”); and

WHEREAS, the DEP has issued a mandatory directive for municipalities relative to the enactment of an ordinance relative to tree removal and replacement; and

WHEREAS, the City hereby wishes to come in compliance with such directive; and

WHEREAS, the City’s Code currently maintains a chapter on Trees and Shrubs which was enacted in 1925 and amended in 1970; and

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WHEREAS, this chapter, in addition to containing certain outdated provisions of law, makes reference to a City Shade Tree Commission, which the City no longer maintains; and

WHEREAS, City Council for the City believes that it is appropriate to amend the chapter on Trees and Shrubs to bring it up to date with the current Code, as well as incorporate the provisions of the DEP's mandatory ordinance on tree removal and replacement.

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. Article I – Protection, and Article II – Visibility at Intersection, of Chapter 242 – Trees and Shrubs, are hereby repealed in their entirety;

SECTION 2. A new Article I of Chapter 242-Trees and Shrubs, entitled “Tree Removal and Replacement,” with the following sections is hereby enacted:

§242-1. Purpose

In recognition that trees contribute significantly to the character of Somers Point aesthetically, promote the environmental integrity of the community by providing natural habitats, moderating temperatures, filtering stormwater, and reducing erosion, as well as protect and preserve the environment and promote public health, safety and welfare, the purpose of this Article is to establish requirements for tree removal and replacement within the City.

§242-2. Definitions

For purposes of Chapter 242 of the Code, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person,” as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” Diameter at Breast Height (DBH) would have a CRR = 6”x1.5’ = 9.0’.
- C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
 - 1. Has an infectious disease or insect infestation;
 - 2. Is dead or dying; If this determination is not easily observable, a report documenting the specimen’s condition by a certified arborist or a Licensed Tree Expert (LTE) should be submitted by the Applicant to support this claim.
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians, bicycles or vehicles, where pruning attempts have not been effective;

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4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. “Owner” means any person or group of persons, firm, corporation or officer thereof, partnership, limited liability company, association or trust who owns, operates, exercises control over, or is in charge of a property. The ownership records of the County of Atlantic Clerk's office used for property tax purposes shall be conclusive evidence of the ownership of property regulated pursuant to this article.
- F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. “Resident” means an individual who resides on the residential property where a tree regulated by this ordinance is removed or proposed to be removed.
- H. “Shrub” means a woody plant which is smaller than a tree which has several main stems arising at or near the ground. This term also includes what is commonly referred to as bushes and/or hedges.
- I. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, etc.
- J. “Tree” means a woody perennial plant, typically having a single stem or trunk having a minimum DBH of 6” growing to a considerable height and bearing lateral branches at some distance from the ground.
- K. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- L. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§242-3. Regulated Activities

A. Application Process:

1. Any owner or resident, or a contractor acting on their, or their agent’s behalf, planning to engage in the removal of a street tree, with DBH of 2.5” or more shall submit a construction application permit. No tree shall be removed until the application has been reviewed and approved by either the City’s Construction or Zoning Official, or Code Enforcement Officer.
2. Any owner, resident or developer, or a contractor acting on their, or their agent’s behalf, seeking approval from either the City’s Planning Board or Zoning Board of

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Adjustment for purposes of seeking to enhance, develop or redevelop property or properties involving tree removal, as that term is defined herein, unless otherwise exempt under Section 242-4, shall complete and submit with the application the following:

- (a) An inventory as to the type, size (DBH) and location of trees proposed for removal that exceed 2.5” DBH within the public right-of-way and 6” DBH outside the public right-of-way is to be provided.
- (b) In addition, a report accompanied by a plan is to be provided clearly detailing how the trees and street trees, as defined herein, are to be replaced.

B. Tree Replacement Requirements:

- 1. Any owner, resident, developer, contractor, or agent of same, who engages in a tree removal one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section §242-4, shall be subject to the requirements of the Tree Replacement Requirements Table.
- 2. Any person or entity, other than the owner of the property or contractor authorized by the owner, who removes one or more tree(s), with a DBH of 6” or more, unless otherwise exempt under Section §242-4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- 3. The species type and diversity of replacement trees shall be in accordance with the list provided in Appendix A.

C. Replacement tree(s) shall:

- 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
- 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- 3. Be monitored by the Applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 2.0” for each tree removed
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 2.0” for each tree removed

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3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 2.0” for each tree removed
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 2.0” for each tree removed

D. Replacement Alternatives:

1. If the reviewing board and/or zoning or construction official, or code enforcement officer determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - (a) Plant replacement trees in a separate area(s) approved by City Council for such purposes, or;
 - (b) Pay a fee in the amount of \$500 per replacement tree. The fee shall be placed by the City into a fund strictly dedicated to tree planting and continued maintenance of the trees planted on public lands throughout the City.

§242-4. Exemptions

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification, such as recent photographs and/or a report from a certified arborist or licensed tree expert, shall be provided, to the City by all persons claiming an exemption.

- A. Residents removing non street trees on a single residential property that fall into Category 1 and 2 of the Tree Replacement Requirements Table; however, street trees and non-street trees in Categories 3 and 4 being removed are to be replaced in accordance with the Replacement Table;
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees, unless designated as street trees, may be removed with no replacement. Street tree(s) meeting the definition of hazard trees must be replaced in accordance with §242-3, unless the construction official determines that the replacement tree(s) will cause a threat to public health, safety, and/or welfare of the public.

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H. Tree removal and replacement activities conducted at a golf course as part of normal course operation and maintenance activities.

§242-5. Enforcement

The provisions of this Article shall be enforced by the either the City Engineer, City Construction or Zoning Official, Code Enforcement Officer and/or City Construction/Zoning Officials during the course of standard construction review and enforcement duties.

§242-6. Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding 90 days, or to a period of community service not exceeding 90 days, or any combination of the foregoing. The improper removal of each tree or street tree shall count as a separate offense.

APPENDIX “A”

**APPROVED LIST OF REPLACEMENT TREE SPECIES AND PLANTING
STANDARDS FOR THE CITY OF SOMERS POINT**

Proposed canopy and understory tree species proposed for replacement plantings on development and redevelopment sites in the City should be selected based on site conditions and their proposed function.

Perimeter buffer plantings on commercial sites especially in locations adjacent to existing residential uses should prioritize native evergreen species capable of providing an effective long term screen once mature. Street tree and ornamental canopy plantings should emphasize species adapted to Coastal plain soils and climatic conditions, and also selected to minimize conflicts with existing/proposed overhead and/or subgrade utilities.

Non-irrigated canopy species should initially incorporate slow release tree watering irrigation system to aid in successful establishment and incorporate mulching with organic and/or aggregate materials.

Specific species should be healthy, nursery-grown stock of required diameter breast height (dbh) and overall size at planting consistent with the latest edition of the American Standard for Nursery Stock published by the American Nursery and Landscape Association. Planting varieties should create diversity of species in order to minimize disease and insect damage. All invasive species noted by the New Jersey Native Plant Society should be avoided.

Evergreens primarily for use in screening and ornamental applications can include the following species that need to be actively maintained through trimming and/or shearing:

- Eastern Red Cedar (*Juniperus virginiana*)
- American Holly (*Ilex opaca*)
- Eastern White Pine (*Pinus strobes*)
- Virginia Pine (*Pinus virginiana*)
- Leyland Cypress (*Cupressus X Leylandii*)

Deciduous Street Trees – should emphasize varieties such as the following native species:

Scientific Name

Quercus palustris
Quercus alba
Quercus rubra

Common Name

Pin Oak
White Oak
Northern Red Oak

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Ulmus americana	American Elm
Tilia americana	American Linden/Basswood
Platanus americana	American Sycamore
Quercus prinus	Chestnut Oak
Nyssa sylvatica	Black Gum
Liriodendron tulipifera	Tulip Tree
Acer rubrum	Red Maple

*Referenced from Street Trees for New Jersey-Outside the Pine Barrens

Commercial/Residential Replanting Applications

Deciduous and/or evergreen species proposed for replanting should be based on suitability for existing site conditions and, if possible, selected from the list provided for the Native Plant Society of New Jersey for Atlantic County.

All replacement plantings are to be warranted by the Applicant/Owner, and are subject to replanting if a specimen becomes diseased and dies within two (2) years of the original planting date.

SECTION 3. A new Article II of Chapter 242-Trees and Shrubs, entitled “Maintenance Requirements,” with the following sections is hereby enacted:

§242-6. Duties of Owners and Residents

The owners and residents of property within the City of Somers Point are required to:

- A. Keep all shrubs, brush, hedges, and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet where it shall be necessary and expedient for the preservation of the public safety.
- B. Ensure that all trees, street trees, shrubs, brush, hedges, or other plant life either in the planting strip or right of way alongside their property, or located on their property, are maintained so as to not intrude upon, obstruct or restrict the use of any public sidewalk or roadway.

§ 242-7. Notice to comply.

Any owner or resident in violation of §242-6, shall, upon 10 days’ notice provided by the Construction or Zoning Official, Code Enforcement Officer, or any police officer, provide for the trimming or cutting of the such trees, street trees, shrubs, brush, hedges and/or plant life so as to remove the offensive growth.

§ 242-8. Failure to comply.

If said owner or resident shall refuse or neglect to trim or cut the aforementioned trees, street trees, shrubs, brush, hedges and/or other plant life in the manner and within the time provided in § 242-7 above, then any of the City Officials set forth in said section may file a complaint in the Municipal Court of the City of Somers Point against the owner and/or resident for violation of this Article. In addition, the City, by and through its Public Works Department may undertake such action as necessary to ensure that the offensive growth is either trimmed, cut or removed.

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§ 242-9. Performance of work by city.

Where trees, street trees, shrubs, brush, hedges and/or other plant life are cut from any lands within the City of Somers Point, under § 242-8 hereof, the Head of Public Works shall certify the cost thereof to the City Administrator, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said property. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such property, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 242-10. Violations and penalties.

Anyone found guilty of violating this Article shall be subject to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 90 days or to a period of community service not exceeding 90 days, or any combination of the foregoing.

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.

Ordinance No. 13 of 2024

(First Reading/Introduction)

M/S- Owen/Dill

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

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

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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.

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.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Mrs. Washington asked for clarification on Resolution No. 131 of 2024.

Christopher Mozitis asked for clarification on Resolution No. 118 of 2024 and detailed his concerns with the boat ramps.

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

Resolution No. 116 of 2024

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M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 116 of 2024

Subject: Dedication by Rider – Boat Ramp Gate Fees Recreation Trust Fund

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

Whereas, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

Whereas, PL 1999 C292 & NJSA 40:48-2.56 provides for receipt of funds for Boat Ramp Gate Fees Recreation Trust Fund by the municipality to provide for the operating costs to administer this act; and,

Whereas, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Boat Ramp Gate Fees Recreation Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Boat Ramp Gate Fees Recreation Trust Fund.
2. A copy of the Resolution shall be submitted by the CFO to the Director of the Division of Local Government Services through the FAST system.

Resolution No. 117 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 117 of 2024

Subject: Authorizing Estimated Tax Billing

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

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WHEREAS, at this time it is unknown if the City will receive its certified tax rate from the County by June 14, 2024, 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 2024; 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 \$39,041,321.67 and \$43,150,934.47.

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 2024 in accordance with the provisions of N.J.S.A 54:4-66.2 et seq.
- 2.) The entire estimated tax levy for 2024 is hereby determined to be \$41,096,128
- 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. 118 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 118 of 2024

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: Council Members McGuigan, Owen and McCarrie

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

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WHEREAS, for the year 2024, 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 2024; 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 - \$ 50.00
3. Annual Rate - \$150.00

Senior (62 and older) or Veteran Annual Passes shall be discounted by 50% (\$75.00 per annual pass, one per customer) from May 1st 2024 through June 30th 2024. This Resolution shall be retroactive from May 1st 2024.

Resolution No. 119 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 119 of 2024

Subject: Appointment of Consultant for the Scoping Project for the Gulph Mill Stormwater Pump Station in Accordance with Hazard Mitigation Assistance (FMA) Grant FY 2022 EMN-2022-FM-003-0010: Gulph Mills Pump Station

Introduced by: Council Member Johnston

WHEREAS, the City of Somers Point has identified a need for a consultant to develop a scope for the Gulph Mill Stormwater Pump Station in Accordance with Hazard Mitigation Assistance (FMA) Grant FY 2022 EMN-2022-FM-003-0010; and

WHEREAS, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. Kates Schneider Engineering, LLC, be and hereby is appointed as Consultant to develop a scope for the Gulph Mill Stormwater Pump Station in Accordance with Hazard Mitigation Assistance (FMA) Grant FY 2022 EMN-2022-FM-003-0010

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- administered by the Federal Emergency Management Agency for the City of Somers Point.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
 3. The Mayor and/or City Administrator is hereby authorized to execute an agreement with Kates Schneider Engineering, LLC in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
 4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S. 40A:11-5.(1)(a)(i) is not required.

Resolution No. 124 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 124 of 2024

Subject: Calling for the Modernization of the Open Public Records Act (OPRA) and the Swift Passage of S-2930/A-4045

Introduced By: Council President Johnston

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

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WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the City of Somers Point in the County of Atlantic respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to New Jersey Governor Philip Murphy, New Jersey State Senate President Nicholas Scutari, New Jersey District 2 State Senator Vincent J. Polistina, Assembly Speaker Craig Coughlin, District 2 Assemblywoman Claire Swift, District 2 Assemblymen Don Guardian, and to the New Jersey State League of Municipalities.

Resolution No. 126 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

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City Administrator Frost noted that both Christian Patricio and James Kelly passed their testing requirements.

No. 126 of 2024

Subject: Acknowledging and Approving the Hiring of a Full Time Laborer

Introduced by: Council Members Dill, McGuigan and McCarrie

WHEREAS, due to a retirement, there exists a need to hire a full-time laborer for the Department of Public Works; and

WHEREAS, Christian Patricio has been employed by the City as a part time employee beginning in October 2nd, 2023, and his full time employment was recommended by the Supervisor of Public Works; and

WHEREAS, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of Christian Patricio the full time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective May 1st, 2024.

BE IT FURTHER RESOLVED that his annual salary is established at \$37,610.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2024, Start Year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 127 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 127 of 2024

Subject: Acknowledging and Approving the Hiring of a Full Time Laborer

Introduced by: Council Members Dill, McGuigan and McCarrie

WHEREAS, due to a retirement, there exists a need to hire a full-time laborer for the Department of Public Works; and

WHEREAS, James Kelly has been employed by the City as a part time employee beginning in September 20th 2023, and his full time employment was recommended by the Supervisor of Public Works; and

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WHEREAS, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of James Kelly the full time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective May 1st, 2024.

BE IT FURTHER RESOLVED that his annual salary is established at \$37,610.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2024, Start Year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 128 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill asked for clarification on this resolution.

No. 128 of 2024

Subject: **Authorizing Purchase on State Contract Two (2) 2025 Ford Utility Interceptors for the Somers Point Police Department**

Introduced By: **Council President Johnston**

WHEREAS, the City of Somers Point may 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 Two (2) 2025 Ford Utility Interceptors for use by the City of Somers Point; and

WHEREAS, pursuant to State Contract Number #20-FLEET-01189, Winner Ford of Cherry Hill, New Jersey was awarded the State Contract for 2025 Ford Utility Interceptors; and

WHEREAS, the Chief of Police in conjunction with the Business Administrator has researched the equipment available and recommends the utilization of Two (2) 2025 Ford Utility Interceptors provided by Winner Ford of Cherry Hill, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Winner Ford of Cherry Hill, New Jersey to be ordered on or before May 9th 2024:

<u>Description</u>	<u>Amount</u>
2025 Ford Utility Interceptor (Per Vehicle)	\$43,568.00
State Contract Number #20-FLEET-01189	

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Total for Two (2)

\$87,136.00

Resolution No. 130 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 130 of 2024

Subject: Authorizing the Mayor to Sign Agreement – Teamsters Union Local No. 115

Proposed By: Mayor Dennis Tapp

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115 were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2020 through December 31, 2022; and

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115 entered into negotiations for purposes of entering into a successor agreement; and

WHEREAS, those negotiations have concluded and the terms and conditions have been memorialized in a Agreement which is attached hereto and made a part hereof; and

WHEREAS, the term of the successor agreement shall be from January 1, 2023 through December 31, 2025; and

WHEREAS, that Agreement is hereby agreed to by this governing body.

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

1. Given the formal written agreement is prepared in conformance with the Memorandum of Agreement, Mayor Dennis Tapp is hereby authorized to sign the agreement between the City of Somers Point and the Teamsters Union Local No. 115 on behalf of the City and a copy thereof will be attached hereto.

Council President Johnston announced that Resolution Numbers 131 and 132 of 2024 will pulled until a later date.

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**Resolution No. 131 of 2024
M/S- PULLED**

**No. 131 of 2024
PULLED NOT ADOPTED**

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF A PLAN FOR REDEVELOPMENT

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 9, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the potential Redevelopment Plan for AVIA NJ MAYS LANDING, LLC (Block 2020/Lot 3);

WHEREAS the length of the Executive Session is estimated to be approximately 20 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

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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 a redevelopment plan between the City and AVIA NJ MAYS LANDING, LLC

Resolution No. 132 of 2024
M/S- PULLED

No. 132 of 2024
PULLED NOT ADOPTED

Subject: Requesting the Planning Board of Somers Point Review the Proposed Redevelopment Plan of AVIA NJ Mays Landing, LLC

Introduced by: Council President Johnston

WHEREAS, on May 25, 2023, the Somers Point City Council adopted Resolution No. 122 of 2023 authorizing the execution and delivery of a Memorandum of Understanding between the CITY OF SOMERS POINT, a public body, corporate and politic (the "City"), and AVIA NJ MAYS LANDING, LLC, a limited liability company organized and existing under the law of the State of Delaware and registered to do business in the State of New Jersey, as owner of Block 2020 / Lot 3 and also designated AVIA NJ MAYS LANDING, LLC, as the Interim Conditional Redeveloper for a proposed redevelopment project (the "Redevelopment Project") for the Redevelopment Property (Block 2020 / Lot 3); and

WHEREAS, the City of Somers Point and Interim Conditional Redeveloper executed said Memorandum of Understanding on June 1, 2023 (the "MOU"), with the goal of exploring and ultimately adopting an appropriate redevelopment plan for the Redevelopment Property and entering into a Redevelopment Agreement regarding the Redevelopment Project on the Redevelopment Property; and

WHEREAS, Section 2 of the MOU provided for a period of one hundred twenty (120) days commencing upon the Effective Date of the MOU (the "Negotiating Period"), in order to agree upon a mutually acceptable Redevelopment Plan and Redevelopment Agreement; and

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WHEREAS, by Resolution 197 of 2023 the Somers Point City Council approved the execution and delivery of Amendment I to the MOU extending the Negotiating Period from September 29, 2023, to February 1, 2024; and

WHEREAS, while discussions have been ongoing between the Parties, there remained certain issues which needed further discussion, including the preparation of a draft Redevelopment Plan for which a conceptual site plan was being prepared; and

WHEREAS, by Resolution 61 of 2024, the Negotiating Period was extended by the Parties through July 1, 2024; and

WHEREAS, as a result of the continued discussion between the Parties, a proposed Redevelopment Plan was agreed upon between the City and AVIA NJ MAYS LANDING, LLC; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89 the Somers Point Planning Board undertook reexamination of its Master Plan commencing in August of 2014 through March of 2015, to determine the major problems and objectives relating to land development within the City; and

WHEREAS, the Planning Board’s Master Plan Reexamination identified certain needs relative to land use controls and redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Common Council, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26, hereby requests the Somers Point Planning Board review the attached, proposed Redevelopment Plan of AVIA NJ MAYS LANDING, LLC, to determine the consistency of this ordinance with the Master Plan.

Resolution No. 133 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council President Johnston recognized City Solicitor Smith for his work.

No. 133 of 2024

Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of HPT-IHG Two Property Trust regarding Block 2020, Lot 3, also known as 900 Mays Landing Road in the City of Somers Point

Introduced by: Council President Johnson

WHEREAS, a Tax Appeal has been filed on behalf of HPT-IHG Property Trust for it previously owned located at Block 2020 Lot 3, commonly known as 900 Mays Landing Road (hereinafter referred to as “the property”), for the tax years 2018 through 2021 under Docket Numbers 010711-2018, 002101-2019, 003548-2020 & 003141-2021.

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WHEREAS, Thomas G. Smith, Esquire, Special Tax Counsel for the City of Somers Point, having appeared before Council and recommended a settlement of the tax appeals for the aforesaid property; and

WHEREAS, both the Tax Assessor for the City, Jen Dowe, CTA, and the City Administrator, Jason Frost, being in agreement on the recommendation of settlement of the above tax appeal matters; and

WHEREAS, the taxpayer, by and through its counsel, is in agreement of the settlement of the above tax matter; and

WHEREAS, City Council is desirous of settling the above referenced Tax Appeals.

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

1. Thomas G. Smith, Esquire, as Special Counsel for the City in the above tax matters, is hereby authorized to settle these matters as follows:
 - A. Relative to the appeal for the tax years 2018 through 2021, having Docket Numbers 010711-2018, 002101-2019, 003548-2020 & 003141-2021, the original tax assessment figure of \$7,700,000 shall be reduced to an assessment figure as follows:
 - 2018-\$7,700,000
 - 2019-\$7,200,000
 - 2020-\$6,000,000
 - 2021-\$5,700,000
 - B. The over payment of taxes for the tax years in question shall be refunded within 120 days of entry of judgment in these matters.
 - C. Interest on the overpayment will be waived by the taxpayer.
 - D. The “Freeze Act” shall not apply to the 2021 Judgment.
2. Thomas G. Smith, Esquire, is hereby authorized to execute, for filing with the Court, the appropriate settlement documents.
3. This Resolution shall take effect immediately.

Resolution No. 134 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 134 of 2024

Subject: Amending Designated Depositories – CY 2024

Proposed By: Mayor Dennis Tapp

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

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WHEREAS, N.J.S.A. 40:48-10 provides that the Chief Financial Officer or other Officer charged with custody of the general funds of a municipality shall deposit said funds to the credit of the municipality in a bank or trust company of the State or National Bank doing business in this State; and

WHEREAS, the Council of the City of Somers Point desires to designate four such depositories pursuant to the statutory authority;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the following named banks be added to our previously named depositories, and they are hereby designated as official municipal depositories for the City of Somers Point retroactive as of April 26, 2024.

1. **FULTON BANK**

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

2. Given the formal written agreement is prepared in conformance with the Memorandum of Agreement, Mayor Dennis Tapp is hereby authorized to sign the agreement between the City of Somers Point and the Teamsters Union Local No. 115 on behalf of the City and a copy thereof will be attached hereto.

Consent Agenda Resolutions:

On the motion of Council Member Owen, seconded of Council Member Dill and carried to approve the Consent Agenda Resolutions.

No. 120 of 2024

Subject: Chapter 159 Resolution – FY 2021 Recycling Tonnage Grant

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$12,011.85 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$12,011.85 which item is now available as a revenue from:

Miscellaneous Revenue

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Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

FY 2021 Recycling Tonnage Grant \$12,011.85

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$ \$12,011.85 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

FY 2021 Recycling Tonnage Grant \$12,011.85

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

No. 121 of 2024

Subject: Resolution Approving the Submittal of a Grant Application and Execute a Grant Agreement with the United States Department of Transportation (USDOT) for a Active Transportation Infrastructure Investment Program Grant

Introduced By: Council President Johnston

WHEREAS, the United States Department of Transportation is accepting applications for the Active Transportation Infrastructure Investment Program (ATIIP) Grant; and

WHEREAS, the Bipartisan Infrastructure Law authorized and appropriated \$44.55 million to be awarded by the Department of Transportation for this program; and

WHEREAS, Funds made available for FY 2023 for ATIIP are to be awarded on a competitive basis to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine.; and

WHEREAS, *Active transportation networks* are facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region. An active transportation network can include a sidewalk network, bike lane network, or shared use path network within a community and must connect between destinations within a community or metropolitan region, such as by connecting neighborhoods and residences to high-demand destinations like schools, workplaces, commercial centers, recreation areas, medical centers, or other community areas; and

WHEREAS, the City of Somers Point has adopted a Complete Street Policy; and

WHEREAS, the City of Somers Point has an eventual goal of zero roadway fatalities and serious injuries and a medium-term goal of a two thirds reduction in roadway fatalities by 2040; and

WHEREAS, the City of Somers Point wishes to apply for this grant for safety improvements; and

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WHEREAS, no match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Somers Point formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to an application to the United States Department of Transportation on behalf of the City of Somers Point.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No. 122 of 2024

Subject: Approval to Submit a Municipal Aid Grant Application MA-2025-Somers Point City 00019 and Execute Grant Agreement with the New Jersey Department of Transportation

Introduced By: Council President Johnston

WHEREAS, the New Jersey Department of Transportation is accepting applications for the Municipal Aid Grant Program; and

WHEREAS, \$151 million is appropriated to municipalities; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, this program can be used for road improvement projects such as resurfacing, rehabilitation or reconstruction and signalization; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that governing body of the City of Somers Point formally approves a grant application for a municipal aid project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2025-Somers Point-00019** to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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Subject: Approval to Submit a Safe Streets to Transit Grant Application SST-2025-Somers Point City-00001 and Execute Grant Agreement with the New Jersey Department of Transportation

Introduced By: Council President Johnston

WHEREAS, the New Jersey Department of Transportation is accepting applications for the Safe Streets To Transit Grant Program; and

WHEREAS, \$1 million is appropriated to municipalities; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, this program can be to construct safe and accessible pedestrian linkages to transit facilities to promote transit usage for all; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that governing body of the City of Somers Point formally approves a grant application for a municipal aid project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **SST-2025-Somers Point-00001** to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No. 125 of 2024

Subject: Chapter 159 Resolution – National Opioids Settlement

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$24,860.46 and wishes to amend its 2024 budget to include this amount as a revenue.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$24,860.46 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

National Opioids Settlement \$24,860.46

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$24,860.46 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement \$24,860.46

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Old Business:

City Council, City Solicitor Smith, and City Engineer Schneider discussed in detail the specifications of the construction of a new fence in reference to the West Maryland Avenue Street Vacation. With the developer offering to cover the expenses, City Council agreed with the City constructing and owning the fence and permitted Solicitor Smith to move forward.

New Business:

None

Discussion of Bills:

Administrator Frost reported a Bill List dated 5/7/2024 in the amount of \$3,632,680.73, and a Record of Payment dated 5/1/2024 in the amount of \$200.00.

Council Member McGuigan indicated that he will be recusing himself from the Bill List due to a reimbursement payment to him.

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Public Portion:

Council President Johnston duly opened the meeting to the public.

John Helbig commented on the West Maryland Avenue fence.

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

Payment of Bills:

M/S: Owen/Dill

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

Comments from Governing Body:

Council Member Dill requested the timeline for a bond ordinance, to which City Administrator Frost specified that it should be ready in time for the 6/13/2024 meeting.

Council Member Owen inquired if this was City Clerk Samuelson's last meeting and shared his appreciation for her dedication to the City.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 5/23/2024