

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 11, 2020**

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

Present: Johnston, D’Adamo, Toto, Owen, Dill, Gerety, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant City Administrator Frost, Deputy City Clerk Heath, Assistant City Clerk Hornig, City Solicitor Thomas Smith, City Engineer Schneider

Absent: None

Open Public Meetings Act:

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

Communications:

Council President complimented the Somers Point Police Department for their forethought, planning and response regarding a scheduled gathering of protestors. He stated that the Police Department acted professionally while the protestors were able to get their message across. Council President McGuigan stated that he was very proud of Chief Somers and the entire Police Department for their leadership.

Open to the Public:

The meeting was duly opened to the public for consideration of Resolution No. 115, and hearing nothing from the public, it was duly closed.

Resolution No.115

M/S- Gerety/Toto

The resolution was adopted by unanimous vote of those present. Councilman D’Adamo mentioned that Troop 55 has been in existence for a very long time. He extended his gratitude for their leadership and the fine job they accomplished. Councilman Gerety explained to the scouts that if everyone were physically present at a meeting, you would have had a standing ovation and Mayor Glasser would present you with the resolution. Since that is not possible, Councilman Gerety posted a “thumbs up” and extended his congratulations

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for a great job and recognized them as our future leaders. Mayor Glasser stated that he is very proud of them and everything they do for Somers Point. Additionally, he thanked the leaders of Troop 55. Council President McGuigan mentioned that Troop 55 is constantly doing activities in the community, and it's truly appreciated. Council President McGuigan added that we are in unprecedented times with many people suffering from COVID-19, and yet Troop 55 takes it to a new level continuing to serve the community. Council President McGuigan added that with this resolution, the Governing Body salutes the members and the leadership. Leader Chase Maser thanked everyone for their support and extended a special thank you to the Cain family for organizing the food donations. Assistant Leader Cooper Cain thanked everyone and was proud that Troop 55 pulled together to continue to serve the community during the difficult times of COVID-19. Council President McGuigan thanked them for attending the meeting and for all their efforts and hard work.

No. 115 of 2020

Subject: Recognizing and Honoring the Boy Scouts of America Troop 55 of Somers Point
Introduced By: Council President McGuigan and Councilman D'Adamo

WHEREAS, Troop 55 of the Boy Scouts of America is located in the Sea Pines District of the Jersey Shore Council and has their headquarters in Somers Point; and

WHEREAS, Scouting's aim is to build character, foster citizenship, develop fitness, and develop leadership. Troop 55 has accomplished those goals by instilling in the youth of the community a lifetime of values. These values are developing ethical character as expressed in the Scout Oath and in the Scout Law as well as the Outdoor Code; teaching them the skills and values necessary to grow strong through self-reliance, and empowering the youth to lead and develop themselves as future leaders; and

WHEREAS, Troop 55 has a long history of community involvement in Somers Point; serving many people in their times of need; and

WHEREAS, the COVID-19 pandemic has gripped the community, State, Country, and the World, plunging many people into unexpected difficult situations, such as illness, loss of steady income, and many other challenges that they must deal with; and

WHEREAS, while the Troop has not been able to conduct in-person meetings, never the less, many of the young men of the Troop have stepped up their community service efforts in an attempt to meet the increased needs of the community through assisting with food drives, helping elderly neighbors, and participating in many veterans assistance programs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point recognizes and honors the long history of community involvement and the increased effort during this time of crisis by young men of Boy Scout Troop 55.

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BE IT FURTHER RESOLVED that the City Council of Somers Point conveys their gratitude to Boy Scouts of America Troop 55 and their best wishes to the Troop in all their future endeavors and services to the community.

Mayor's Report:

Mayor Glasser complimented the Police Department for a fabulous job of leadership regarding the peaceful demonstration of protestors. He is still working on the Mayor's Working Group proposal and will have a final document soon. Mayor Glasser mentioned that Mainland Regional High School notified him that on 6/17/20, and there will be a parade of school buses and cars driving throughout the City to the homes of the senior graduates congratulating them. Mayor Glasser congratulated all the 8th Grade and 12th Grade graduates and wished them good luck in the future.

Administrator's Report:

No report

Solicitors Report:

Thomas Smith, Esq., City Solicitor, mentioned there are resolutions on this evening's agenda regarding reopening bars and restaurants. He is hopeful that businesses will begin to prosper, and the public will enjoy their summer.

Committee Reports:

Councilwoman Johnston reported that the Environmental Development Advisory Commission (EDAC) recently discussed a bike friendly community to include a painted bike path on New York Avenue to tie in with the City's bike path at their recent meeting. Councilwoman Johnston mentioned that there is an ordinance on this evening's agenda regarding designating official bus stops. Additionally, Councilwoman Johnston reported that the buoys at the marina will be installed next week, and soon the kayaks and paddle boards will be available.

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Approval of Minutes:

None

Ordinances:

Ordinance No. 3 of 2020

(Second Reading/Public Hearing/Final Adoption)

The ordinance was adopted by unanimous roll call vote of those present.

The Public Portion was duly opened.

Charles Faulkenstein of 41 Greate Bay Drive, questioned the interest rate for the bonds. Wes Swain, City Administrator, explained that there are no bonds yet. This ordinance authorizes the City to do the work and to borrow money. This ordinance will allow for short term financing for bond anticipation notes (BANS). Once the City has collected approximately 7 million dollars in BANS, then the City will go out to bid for bonds. City Administrator Swain indicated that the last bond issuance had an interest rate of just over 1%. Mr. Faulkenstein questioned if the outstanding bonds have been renegotiated. City Administrator Swain explained that last year the City retired a 10-year bond and went out for a new bond for \$15 Million. The payments for bonds typically last for 10 – 12 years. The City will retire a bond in 3 years and another one in 11 years.

Bill Collins of 814 Bay Avenue questioned what items are included in the ordinance. Council President McGuigan read the list of improvements. Council President McGuigan explained that the ordinance allows for the improvements to be done. He further explained that each project will be revisited separately, and the City will go out to bid or utilize the State Contract pricing for each item.

Councilman Gerety explained that the City will not spend the bond amount in this budget, only 5% of that amount is in the 2020 budget.

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

ORDINANCE NO. 3 of 2020

**Bond Ordinance Providing for Various Improvements and Acquisitions
in and by the City of Somers Point, in the County of Atlantic, New
Jersey, Appropriating \$2,900,000 Therefor and Authorizing the Issuance**

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**\$2,755,000 of Bonds or Notes of the City to Finance Part of the Cost
Thereof.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN
THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members
thereof affirmatively concurring) AS FOLLOWS:**

SECTION 1. Appropriation for Projects-Down Payment

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,900,000 including the sum of \$145,000 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,755,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Projects

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including power rescue			

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tools, turnout gear, fire hose and nozzles, and all attachments and appurtenances applicable thereto.	\$92,000	\$87,400	10years
b.) Acquisition by purchase of a refuse truck, street sweeper, and a vactor unit for an existing street sweeper for the Public Works Department including all attachments and appurtenances applicable thereto.	\$499,000	\$474,050	15 years
c.) Improvements to municipal facilities including roofing, flooring, and painting of City Hall and the Construction Department Building , together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.	\$110,000	\$104,500	15 years
d.) Acquisition by purchase of a new sound system for Council Chambers together with all appurtenances and attachments necessary therefore and incidental thereto.	\$22,000	\$20,900	7 years
e.) GIS mapping of the storm sewer system together with all appurtenances and attachments necessary therefore and incidental thereto.	\$50,000	\$47,500	5 years
f.) Acquisition by purchase of computers, computer tablets, and radios for the Office of Emergency Management and including all attachments and appurtenances			

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applicable thereto.	\$8,000	\$7,600	7 years
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<p>g.) Improvements to various recreational facilities in the City including playground equipment upgrades together with all materials and work necessary therefore and incidental thereto, including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.</p>	\$70,000	\$66,500	15 years
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<p>h.) Acquisition by purchase of Police Department public safety equipment including speed counter sign, camera systems, storage unit, furniture, and computers and all attachments and appurtenances applicable thereto.</p>	\$59,000	\$56,050	10 years
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<p>i.) Acquisition by purchase of an outdoor movie screen system for Recreation, and all attachments and appurtenances applicable thereto.</p>	\$10,000	\$9,500	15 years
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j.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing,

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driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

	\$1,980,000	\$1,881,000	10 years
TOTAL	<u>\$2,900,000</u>	<u>\$2,755,000</u>	<u>11.86 Years</u>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital

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budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 11.86 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,755,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$435,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. Full Faith and Credit

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

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SECTION 9. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10. Tax Covenants

The City hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the bond ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
- (e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

SECTION 11. Ratification of Prior Acts

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

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SECTION 12. Inconsistencies

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 13. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

Ordinance No. 4 of 2020

(Second Reading/Public Hearing/Final Adoption)

The ordinance was adopted by unanimous roll call vote of those present.

Councilman Gerety explained that this amount is paid for through sewer bills and only 5% down is in this budget. City Administrator Swain explained that since the Sewer Utility is self-liquidating, there actually is no down payment in it.

The Public Portion was duly opened, and hearing nothing from the public, it was duly closed.

ORDINANCE NO. 4

Bond Ordinance Providing for Various Sewer Utility Capital Improvements in and by the City of Somers Point, in the County of Atlantic, New Jersey, Appropriating \$1,075,000 Therefor and Authorizing the Issuance of \$1,075,000 Bonds or Notes of the City for Financing the Cost Thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Appropriation for Projects-Down Payment

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,075,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

SECTION 2. Authorization of Bonds and Notes

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In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,075,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Project

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$920,000	\$920,000	40 years
b.) Acquisition by purchase of a bypass pump and an influent grinder and including all attachments and appurtenances applicable thereto.	90,000	90,000	15 years

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c.) GIS mapping of the sewer system together with all appurtenances and attachments necessary therefore and incidental thereto.	65,000	65,000	5 years
Total	\$1,075,000	\$1,075,000	35.79 years

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any capacities described in this section.

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 35.789 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,075,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

SECTION 8. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

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SECTION 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 11. Inconsistencies

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 12. Effective Date

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. 5 of 2020
(Introduction/First Reading)

M/S-Johnston/Dill

The ordinance was adopted by unanimous vote of those present.

Councilman Gerety mentioned that once the bus stop shelters are installed, we will need to consider extra costs in the budget for maintenance. Councilwoman Johnston reported that she is researching a program that will offer businesses to advertise on the bus shelters to defray the cost of maintenance.

Ordinance No. 5

**An Ordinance Amending and Supplementing Somers Point Municipal Code Section 250-36
Schedule XII: Bus Stops**

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WHEREAS, N.J.S.A. 39:4-8(e) authorizes a Municipality, by Ordinance, to designate stops, stations, or stands for buses subject to recommendation, review and approval from New Jersey Transit and the New Jersey Department of Transportation; and

WHEREAS, a request had been made to New Jersey Transit ("NJT") to designate bus stop locations along Somers Point-Mays Landing Road (CR 559); and

WHEREAS, Somers Point-Mays Landing Road is a County road situated within the City of Somers Point; and

WHEREAS, the proposed bus stop locations along Somers Point-Mays Landing Road have been reviewed and approved by New Jersey Transit (NJT) and the Atlantic County Engineer; and

WHEREAS, approval has been received from NJT, and the Atlantic County Engineer to proceed with the introduction and adoption of this Ordinance; and

WHEREAS, Schedule XII in Somers Point Code Section 250-36 identifies the designated bus stops in the City of Somers Point; and

WHEREAS, upon final adoption a certified copy of this Ordinance will be submitted by the Somers Point City Clerk to the current Field Representative of New Jersey Transit, and the Atlantic County Engineer.

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

SECTION 1.

Schedule XII within Code Section 250-36 is amended and supplemented as follows:

A. In accordance with the provisions of Code Section 250-15, the following described locations are hereby designated as bus stops:

Name of Street	Direction/Side	Location
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**Somers Point-Mays
Landing Road**

East/South

Route 9 – mid block
Beginning 500 east
of the easterly curb
line of Route 9 and
extending 135 feet
easterly therefrom.

Great Bay Drive – far
side

Beginning at the
easterly curb line of
Great bay Drive and
extending 100 feet
easterly therefrom.

Holly Hills Drive –
far side

Beginning at the
easterly curb line of
Holly Hills Drive and
extending 100 feet
easterly therefrom.

**Somers Point-Mays
Landing Road**

West/North

Holly Hills Drive –
far side

Beginning at the
westerly curb line of
Holly Hills Drive and
extending 100 feet
westerly therefrom.

Great Bay Drive –
near side

Beginning at the
easterly curb line of
Great bay Drive and
extending 105 feet
easterly

Route 9 – near side
Beginning at the

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easterly curb line of
Route 9 and
extending 105 feet
easterly therefrom.
therefrom.

SECTION 2: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect immediately upon its final passage and publication.

At the request of Mr. Wilkinson, Deputy City Clerk Heath re-announced the title of Ordinance No. 5 of 2020.

Public Portion on Resolutions:

The Public Portion was duly opened.

Bill Collins of 814 Bay Avenue requested more detailed information regarding Resolution No. 122. Council President McGuigan explained that this resolution will allow the City to enter into contract with Bay Catch from Ocean City, who will manage the boat slips and possibly rent kayaks and paddle boards to the public. City Administrator Swain explained that the marina was opened after the season last year and there was no charge. He added, currently, with the economic climate resulting from COVID-19, there is no real basis to anticipate a revenue amount. Councilwoman Johnston indicated that the City is not allowed to charge for the slips; however, there are other opportunities for revenue. Additionally, there is no cost to the City for Bay Catch to rent paddle boards and kayaks.

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Ms. Pierson is excited about the opportunities at the marina.

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

Council President McGuigan recused himself from this resolution and Council President Pro Tempore Johnston announced the resolution.

Resolution No. 114

M/S- D'Adamo/Owen

The resolution was adopted by unanimous vote of those present with Council President McGuigan and Councilman Dill recusing themselves.

No. 114 of 2020

Subject: Authorizing Agreement with Richard Heiler
Introduced By: Councilwoman Johnston and Councilman Toto

WHEREAS, upon his retirement effective November 30, 2017 Richard Heiler was entitled to certain payments and benefits in accordance with the agreement effective January 1, 2012 between the City of Somers Point and PBA Local 77; and

WHEREAS, subsequent to Richard Heiler's retirement the City and PBA Local 77 have negotiated a successor agreement with an effective date of January 1, 2017; and

WHEREAS, that successor agreement provides that the City make a retroactive payment to any officer who retired after the expiration date of the agreement that was effective January 1, 2012 and before the adoption of the successor agreement effective January 1, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with Richard Heiler in connection with said retroactive pay 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.

Council President McGuigan resumed presiding the meeting.

Resolution No. 116

M/S- Owen/Toto

The resolution was adopted by unanimous vote of those present.

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No. 116 of 2020

Subject: Adopting Order No. 2 Of 2020 of the City’s Office of Emergency Coordinator Allowing Transient Guests or Seasonal Tenants at Hotels, Motels, Guest Houses, and/or Private Residences.

Introduced by: Council President McGuigan

WHEREAS, on April 17, 2020, the City of Somers Point’s Emergency Management Coordinator, Philip Gaffney, pursuant to his authority under the Civilian Defense and Disaster Control Act (N.J.S.A. App. A9-40.5), and based upon the imminent danger of the spread of COVID-19, issued a directive and order declaring a State of Local Disaster Emergency within the City of Somers Point wherein all hotels, motels, guest houses, or private residences, or parts thereof, in the City of Somers Point were barred from accepting any transient guests, or seasonal tenants, after 11:59 p.m. on Friday, April 17, 2020; and

WHEREAS, this governing body both recognized the concern of the potential imminent danger of the spread of COVID-19, and supported the position taken by the City’s Emergency Management Coordinator relative to the containment of this virus by enacting Resolution No.94 of 2020 on April 23, 2020; and

WHEREAS, on May 22, 2020, the Emergency Management Coordinator issued Emergency Management Order No. 2 of 2020, which rescinded those restrictions imposed by Emergency Management Order 1 of 2020 on all hotels, motels, guest houses or private residences or parts thereof in the City of Somers Point, which action was a result of certain statewide restrictions being rescinded and/or mitigated by Governor Murphy; and

WHEREAS, this Governing Body recognizes the both cessation of the impact of COVID-19 in the State, as expressed by Governor Murphy, and the necessity to provide appropriate services to visitors and residents of this State.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the order and directive of May 22, 2020, of the Emergency Management Coordinator Philip Gaffney, which is attached hereto, is hereby approved and adopted by this City Council.

BE IT FURTHER RESOLVED that Resolution No.94 of 2020 is hereby rescinded.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to serve upon the Emergency Management Coordinator a copy of this Resolution of Council.

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Resolution No. 117

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

No. 117 of 2020

Subject: Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the FY 2021 Municipal Aid Program – Reconstruction of West Atlantic Avenue Phase II

Introduced by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply to the New Jersey Department of Transportation for the FY 2021 Municipal Aid Program, and

WHEREAS, the City Engineer has recommended that the City apply for the reconstruction of West Atlantic Avenue Phase II from Dawes Avenue to Johnson Avenue, and

WHEREAS, these improvements consist of repaving the existing road, the installation of new handicap ramps where required, and new traffic striping

WHEREAS, the City is requesting \$400,000.00 to complete this project

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point that includes a copy of the resolution in this matter in the format prepared by the State and attached hereto and made a part hereof.

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

Resolution No. 118

M/S- D'Adamo/Owen

The resolution was adopted by unanimous vote of those present.

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No. 118 of 2020

Subject: To Authorize Submission of Grant Application to the Congestion Mitigation and Air Quality Program and to Execute a Grant Agreement

Introduced By: Councilmen Dill and D'Adamo

Whereas, the Congestion Mitigation and Air Quality Program (CMAQ) is a federal program which funds projects that improve air quality and reduces traffic congestion and meet the National Ambient Air Quality Standards ; and

Whereas, the Congestion Mitigation and Air Quality Program is jointly administered by the Federal Highway Administration and the Federal Transit Administration in consultation with the Environmental Protection Agency; and

Whereas, this program is available to Atlantic, Cape May, Cumberland and Salem Counties in the State of New Jersey; 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

Whereas, the City of Somers Point is implementing a NJDOT funded bicycle and pedestrian plan and will pursue a CMAQ grant for bicycle facilities including bike racks; and

Whereas, the CMAQ Program does not require a local match; and

Whereas, said grant will help fund a priority project in the City of Somers Point;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application for the Congestion Mitigation and Air Quality Program on behalf of the City of Somers Point.

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

Resolution No. 119

M/S- Owen/Dill

The resolution was adopted by unanimous vote of those present.

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No. 119 of 2020

Subject: Submission of a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Transportation Alternatives Program

Introduced By: Councilmen Dill and D’Adamo

WHEREAS, the New Jersey Department of Transportation offers federal Transportation Alternatives Program (TAP) funding to projects that foster more livable communities and promote alternative modes of transportation such as biking and walking; and

WHEREAS, special consideration is given to communities that have adopted Complete Streets policies, a policy that has been adopted by Somers Point;

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

WHEREAS, this grant program does not require matching funds; 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

WHEREAS, the City of Somers Point wishes to apply for funding through the Transportation Alternatives Program for streetscape improvements along the Bay Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point formally supports this Transportation Alternatives Program application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation for the Transportation Alternatives Program on behalf of the City of Somers Point.

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

Resolution No. 120
M/S-Toto/Dill

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The resolution was adopted by unanimous vote of those present.

No. 120 of 2020

Subject: Rescinding Resolution 98-2020 and approving revised Change Order 2 – Contract No. 33 – Somers Point Bike Path Widening- Federal Project # TAP-D00S (221) Construction - NJDOT Job # 5521309

Introduced by: Councilmen Dill and D’Adamo

WHEREAS, during the design process of the Somers Point Bike Path Widening project, certain amenities such as benches were eliminated due to the anticipated high construction cost of the project; and

WHEREAS, the original Engineer’s Estimate for the project was \$1,751,510.00; and

WHEREAS, in accordance with Resolution 218 of 2019, Kane Communications, LLC of Trenton, New Jersey was awarded the contract for the Somers Point Bike Path Widening (Federal Project # TAP-D00S (221) Construction – NJDOT Job # 5521309) for the sum of \$1,427,684.45; and

WHEREAS, the lowest bid for the project, submitted by Kane Communications, LLC, was approximately 18.5% below the Engineer’s Estimate.

WHEREAS, the City would like to include benches that were previously eliminated from the project; and

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

WHEREAS, in accordance with Resolution 77 of 2020, Change Order No. 1 for \$14,850.00 was previously approved; and

WHEREAS, in accordance with Resolution 98 of 2020, Change Order No. 2 for \$162,244.60 was previously approved; and

WHEREAS, NJDOT did not concur with Resolution 98 of 2020, Change Order No. 2 for \$162,244.60; and

WHEREAS, Change Order No. 2 is hereby revised and Resolution 98 of 2020 is rescinded.

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

Contract Amount	\$1,427,684.45
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Change order 1 (Previously Approved)	\$14,850.00	
Change order 2 Revised	\$17,640.00	
Revised Contract Amount	\$1,460,174.45	
Total Deduction: \$0	Total Additional: \$32,490.00	Net Change: 2.28%

WHEREAS, the NJDOT Local Aid Office must also concur with this Revised Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Somers Point Bike Path Widening (Federal Project # TAP-D00S (221) Construction - NJDOT Job # 5521309) is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 121

M/S- Gerety/Toto

The resolution was adopted by unanimous roll call vote of those present as amended.

Councilwoman Johnston motioned to amend to extend the deadline date of July 24th to Labor Day. Council President McGuigan explained that the July 24th date coincides with the City Council Meeting and affords the opportunity to make any necessary changes. Tom Smith, City Solicitor, recommends the sunset provision be passed with that revision. Councilman Dill questioned which amendment was up for vote. Council President McGuigan explained that the amendment on the table is the amendment regarding revised brewery language and prohibiting the use of docks. On the motion of Councilman Owen, seconded of Councilman Toto and carried to approve the first amendment as stated above. Councilwoman Johnston motioned to amend the ending date of July 24th to Labor Day, seconded by Councilman Gerety. Councilman Gerety questioned Mr. Smith if there are capabilities to renew the resolution at the July 23rd City Council Meeting. Tom Smith, City Solicitor, indicated that there is a mechanism and time to renew the resolution. Councilman Gerety indicated that he is fine with the July 24th deadline. Councilman D’Adamo questioned Council President McGuigan, if necessary, would he call a special meeting to ensure the continuation of the operation of businesses. City Council President McGuigan indicated that he would absolutely call for a special meeting and added that he is concerned that business owners need to generate revenue and he feels deeply for the locals businesses and the people that are employed by these businesses. The amendment to extend July 24th to Labor Day roll call vote: Gerety-yes; Johnston-yes; Dill-no; Owen-no; Toto-no; D’Adamo-no; McGuigan-no. City Council discussed timely closures.

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No. 121 of 2020

Subject: A Temporary and Limited Expansion of the Operations of Bars/Restaurants and Class “A” Licensees to their Outside Areas and Municipal Right of Ways

Introduced by:

WHEREAS, on March 9, 2020, in light of the dangers posed by COVID-19, Governor Philip D. Murphy declared both a Public Health Emergency and State of Emergency by way of Executive Order No. 103 (2020); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order No. 104 (2020), which established statewide social mitigation strategies for combatting COVID-19, and included the limitation of all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, meaning that they could not allow the on-premises consumption of food or beverages; and

WHEREAS, on March 21, 2020, Governor Murphy signed Executive Order No. 107, which superseded Executive Order No. 104 (2020) in full, but continued the prohibition of on-premises consumption of food or beverages; and

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150 (2020), which set an effective date of Monday, June 15, 2020 at 6:00 a.m., for all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” to offer in-person service at outdoor areas, subject to provisos; and

WHEREAS, on June 3, 2020, the Division of the ABC issued Special Ruling 2020-10, authorizing the creation of a temporary permit, known as the COVID-19 Expansion of Premises Permit, which allowed a licensee to expand its licensed area on a temporary basis with the imposition of certain restrictions, amongst which is the requirement that licensees that offer food service on their licensed premises must offer bona fide food service on the expanded premises, and further allowed Class “A” manufacturers, such as limited breweries to expand their licensed tasting rooms into outdoor areas; and

WHEREAS, it is recognized by this governing body that the COVID-19 outbreak has caused substantial economic suffering and financial hardship for many of the businesses of the City of Somers Point, as well as its employees, many of whom are residents of the City; and

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WHEREAS, the governing body of the City of Somers Point that when it is authorized to do so, it is appropriate to undertake certain actions to alleviate the financial hardship of its local businesses, and its employees during this COVID-19 outbreak and resulting State of Emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the City Engineer of the City of Somers Point, in consultation with the City’s Zoning and Code Enforcement Official, is hereby granted the temporary authority and discretion to approve site plan applications pertaining to existing “breweries,” as well as to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food, which preparation and cooking has occurred on the premises of said entities,” in order to permit said establishments to relocate existing tables/seating to the City right-of-way and/or other locations contiguous or adjacent to their premises, including non-contiguous property, provided said property is in reasonable proximity to the existing business premise, but excluding the use of any and all docks leading from the establishment or situated over water. All such applications shall also be subject to the approval of the Chief of Police, and all such operations shall adhere to the requirements and restrictions of Executive Order 150 (2020), all regulations, directives and proclamations from the Department of Health, and those conditions and requirements set forth herein.

1. Individual bars/restaurants seeking approval to relocate existing tables/seating to a City right-of-way and/or other locations on site such as parking areas, submit to the City Clerk a site plan application, and site drawing depicting the existing and proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and the curb line, the location of all food preparation and service areas, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, and trash receptacles. All proposed tables, chairs, furniture, umbrellas, trash receptacles, etc. on site must be of similar nature and appearance. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas.

2. Prior to any approval of any site plan wherein the applicant is seeking approval to relocate existing tables/seating to a City right-of-way, said applicants shall also fill out both an “Application for Use of a Right of Way,” and a “Use of a Right of Way Agreement,” on a form as designated by the City Clerk. Applicants shall adhere to the indemnification and insurance requirements of such Agreement.

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3. The approval of any temporary site plan in relation to this Resolution shall be subject to the following conditions:

a. Applicants will not be permitted to exceed by ten (10%) percent the number of approved indoor tables/seats. A

i. ables/seats permitted to be located in the City right-of-way are to provide a minimum 3-foot pedestrian walkway for the general public, subject to applicable ADA requirements. T

ii. ny approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” are permitted to be utilized between the hours of 7:00 a.m. and 11:00 p.m. A

b. Applicants may be able to utilize up to fifty (50%) percent of their required parking space inventory for use as part of the “outdoor dining area” during the time that this resolution is in effect.

c. Tables/seats approved to be located within the City right-of-way must be removed from the right-of-way and stored on site on a daily basis by 11:00 p.m. Tables/seats approved to be located on site in areas privately-owned shall be permitted to remain in said locations.

d. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.

e. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable Division of Alcoholic Beverage Commission regulations/statutes, including but not limited to any approved extension of premises application as authorized pursuant to SR 2020-10, and subject to the review and approval of the City Clerk and Chief of

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- f. Police. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and is hereby rescinded upon the termination of this Resolution.
- g. The preclusion of Ordinance No. 75-9(a) of consumption of alcohol in or upon a public sidewalk is hereby relaxed during the pendency of this temporary allowance, provided that said consumption occurs at a table wherein food service is being provided.
- h. Alcoholic beverage service and consumption shall be permitted only with food service to the customers. That is, no service of alcohol only.
- i. The City of Somers Point reserves the right to amend, terminate, or repeal this resolution, and accordingly no property rights are granted to any person(s) or entities by virtue of this resolution. All person(s) and/or entities electing to pursue temporary relief in accordance with the provisions of this resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this resolution shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.
- j. To the extent that any of the temporary rights granted herein are in direct contravention to certain provisions of ordinances of the City of Somers Point, including but not limited to those contained in Ordinance No. 114-1, et seq, it is the intent that said ordinances are hereby relaxed so as to allow for the limited expansion of the operations of outside food and beverage service as set forth herein. With the exception of this temporary relief set forth herein, applicants must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning and/or general ordinances governing the operation of bars/restaurants, as well as those of outdoor dining.
- k. Applicants shall adhere to all noise, sound, music and live entertainment ordinances, with the exception that prohibition of any outdoor music, live entertainment, musical instruments, loudspeakers, radio, sound amplifier, and exterior sound systems as set forth in Ordinance No. 114-120(C)(3)(g) is

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hereby relaxed during this period that this Resolution is in effect, and such music and live entertainment is allowed.

- l. In the event the City Engineer or Chief of Police determines that an applicant is in violation of the conditions of any temporary site plan approved in relation to this Resolution, the City Engineer or the Chief of Police is hereby authorized to immediately revoke the temporary site plan approval received in relation to this Resolution.

- m. The City Engineer and the Chief of Police are hereby authorized and empowered to enforce this Resolution and the several provisions thereof. The City Engineer and Chief of Police are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of applicants. In order to avoid injustice, the possible abuse of discretion and to correct the possibility of error in judgment, any applicant whose temporary site plan application is denied by the City Engineer or Chief of Police has the right to appeal to the governing body by filing a notice of appeal with the City Clerk within seven (7) days of the denial of said application. Upon receipt of any such notice of appeal, the governing body will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the governing body will consider the matter, determine whether to uphold or overturn the decision of the City Engineer or Chief of Police, and thereafter notify the owner of its decision.

BE IT FURTHER RESOLVED that all breweries, in connection with the expansion of their licensed premises pursuant to the aforesaid COVID-19 Expansion of Premises Permit, are hereby required to adhere to all of the above provisions, limitations and restrictions, with the exception that breweries are allowed to provide alcoholic beverage service and consumption without food service.

BE IT FURTHER RESOLVED that nothing to the contrary herein, all breweries shall be precluded from expanding their licensed premises to any non-contiguous property or into a City right-of-way.

BE IT FURTHER RESOLVED that pending further resolution, the force and effect of the within resolution, and all temporary rights set forth herein, shall terminate upon the earlier of either the effective date and time of the State of New Jersey relaxing the provisions of Executive Order 107 relative to its prohibition of on-premises consumption of food or beverages at bars and restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on July 24,

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2020, at which time allowances provided herein shall be rescinded. Upon termination, any temporary approval afforded by the City Engineer and the Chief of Police, as well as that of the City Clerk in accordance with the terms and conditions of this resolution shall be deemed void, and all applicants shall be required to immediately return tables/seats to their previously approved locations and cease all outside operations.

BE IT FURTHER RESOLVED nothing contained herein shall restrict or limit any rights currently held by any bar/restaurant relative to outdoor food and beverage service.

BE IT FURTHER RESOLVED that the within resolution shall be effective immediately.

Resolution No. 122

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

Councilwoman Johnston mentioned that she is excited for this company to be at the City's marina, and noted that they have been in business for many years and are very professional.

No. 122 of 2020

Subject: Granting of a Concession for the Somers Point Marina Management and Operation Services for Summer Season 2020

Introduced by: Councilmen D'Adamo, Dill and Owen

WHEREAS, the City has a need to provide Marina Management and Operation Services to residents, and visitors for the City Owned Marina; and

WHEREAS, the City desires to award this contract as a concession at no cost to the taxpayers; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. authorizes the City to award a concession by informal quotations, when the total estimated value of the concession is less than the bid threshold; and

WHEREAS, an estimate of revenue from the management of the Somers Point Marina is at present unquantifiable as there is no historical basis of operations; and

WHEREAS, the City shall allow use of the City's Marina Facilities and Marina Office to the contracted operator; and

WHEREAS, the Marina Committee appointed by City Council took into consideration constraints including but not limited to hours of operation, staffing requirements, amenities offered, length of previous working experience, financial proposal, and insurance requirements; and

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WHEREAS, the City will use the awarding of the contract upon the previously mentioned factors; and

WHEREAS, the proposal submitted by Baycats LLC will be at no cost to the City; and

WHEREAS, a committee appointed by the City Council, has reviewed the proposals and has made a recommendation that the contract be awarded to the Baycats LLC; and

NOW, THEREFORE, BE IT RESOLVED, by the Somers Point City Council that;

- 1) Pursuant to N.J.S.A. 40A:11-1 et seq., a contract to provide Marina Management and Operation Services is awarded to Baycats LLC;
- 2) Subject to such modification as deemed necessary or appropriate by the City Administrator is authorized to execute an agreement prepared by the City Solicitor based on the terms and conditions of the City's Request.

Resolution No. 123

M/S- D'Adamo/Owen

The resolution was adopted by unanimous vote of those present.

No. 123 of 2020

Subject: RESOLUTION of NEED

Introduced By: Council President McGuigan

WHEREAS, [Somers Point Preservation, L.P.] (hereinafter referred to as the "Sponsor") proposes to acquire and undertake a comprehensive renovation of a 225-unit low- or moderate-income family rental housing project including one employee unit (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the City of Somers Point (hereinafter referred to as the "Municipality") on a site described as 12.02 and 12.03, Block 2032 as shown on the Land and Tax Map of the City of Somers Point, Atlantic County and commonly known as Somers Point Village Apartments, 50 Mays Landing Road, Somers Point, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"), and such subsequent agreements as may be mutually agreed to between the Sponsor and The City of Somers Point in the County of Atlantic and State of New Jersey and approved by the Agency as necessary; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that in accordance with the New Jersey Affordable Housing Act and based

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upon an unsatisfied Third Round Municipal Affordable Housing Obligation there is a need, through preservation and continuation of this affordable housing project within the Municipality, to address that unsatisfied obligation,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point (the “Council”) that:

(1) The Council finds and determines that the Project proposed by the Sponsor, consisting of the acquisition and comprehensive renovation of a 225-unit low- or moderate-income family rental housing project including one employee unit, will satisfy a need to meet an existing unsatisfied affordable housing obligation through preservation and continuation of affordable housing;

(2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

Old Business:

Councilman Gerety indicated his support for Jason Frost, Assistant City Administrator, to replace City Administrator Swain without advertising for the following reasons: 1. The Mayor has the responsibility for the appointment of the City Administrator with the approval of City Council citing the City Code. The City Administrator has not given his resignation and suggested that someone meet with Mr. Swain to determine his intentions before advertising. Additionally, Councilman Gerety shared his research findings of probable financial impacts of COV-19 for next year’s budget that includes: adding 1 cent to improve and have a closer site for ambulance service; no court revenue for the past four months may lose approximately 1 cent; trash collection has increased significantly that may add 1 cent; one-third reduction in hotel/motel tax; building department and Clerk’s Office revenue is down that may add ½ cent; added expenses for cleaning; used surplus for tax reduction for 2020 budget; and have spent \$10,000 in education for Assistant City Administrator Frost to transition into the City Administrator position. Hopefully, Shore Medical Center will provide their contribution for next year’s budget. Considering the impacts above, the budget of 2021 may have a significant increase. Councilman Gerety complimented Mr. Frost on his performance during the COVID-19 pandemic.

Council President McGuigan is in favor of Mr. Frost as City Administrator. He questioned if Councilman Gerety’s statement was accurate that the City Administrator’s appointment is under the authority of the Mayor with approval from City Council citing Ordinance No. 5 of 1989. Thomas Smith, City Solicitor, verified that it is correct.

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Councilman Dill concurred that some items that Councilman Gerety pointed out are true due to the COVID-19, but indicated that until we have real figures, we will not know the true impact on the 2021 budget. He added that he was in support of advertising, but he would support the Mayor with his appointment. He supported advertising from listening to other City Councilmembers and the public to perform due diligence. Councilman Dill complimented Jason Frost and indicated that he does a fine job as Assistant City Administrator. Councilman Dill recommended that before City Council approval, Jason Frost be interviewed by the full City Council to ascertain his direction of the future of the City. Council President McGuigan concurred that City Council will have an opportunity to interview the candidate.

Councilwoman Johnston urged for advertising and a process for hiring a City Administrator to ascertain all options.

Councilman Gerety reviewed the process of hiring a City Administrator citing Ordinance 5 of 1989 and saving one cent on the upcoming budget as the cost already incurred for training Mr. Frost.

Council President McGuigan mentioned that Mayor Glasser has not gone on record with his recommendation of appointment for a City Administrator.

City Solicitor, Tom Smith, advised that City Council may choose to advertise; however, it is not required.

Council President McGuigan questioned if the Personnel Committee was in favor of advertising. The consensus of the Personnel Committee was to first meet with Mr. Swain.

Councilman Gerety indicated that the City may be able to move forward and hold beach concerts later this summer. The Governor has indicated that after July 3rd he may authorize gatherings of 500 people or more. Councilman Gerety indicated that the social distancing could be accomplished with signage, and the restroom cleaning and sanitizing is being addressed. Sponsorship would be lacking, but Councilman Gerety suggested starting with local groups that would not draw large crowds. He recommended a tentative starting date of July 17th and received a positive consensus from a majority of City Council. Councilman Dill requested preliminary costs of holding the concerts. City Council discussed the Arts Commission using Kennedy Park in August, the Little League and Good Old Days.

New Business:

None

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Public Portion

The Public Portion was duly opened to the public.

Resident, Ms. Patricia Pierson of 87 Marks Road thanked Councilman Dill for his efforts and expressed her concern of Shore Medical Center not providing their annual contribution. Council President McGuigan explained that there is a standing committee for the hospital, and it was previously discussed at a City Council meeting that the hospital experienced financial problems this year from the COVID-19. Ms. Pierson expressed concern about the increase in tolls, the fee of \$75 for outdoor dining, closing time for outdoor dining and the need to advertise for the City Administrator position. Ms. Pierson is in support of summer concerts and opening the marina. Councilman Dill explained that the \$75 fee is for liquor licensees only, and the fee was implemented by the N.J. Alcoholic Beverage Control.

Mr. Phil Collins of 814 Bay Avenue expressed his concern with the possible tax increase for next year. He suggested a hire freeze, a 10% reduction of each department operating expense and to meet with the hospital for their contribution. He complimented Administrator Swain for a great job throughout the years and expressed concern regarding the hiring process of a City Administrator.

Mr. Pennington of 30 Angle Side Avenue, Long Beach Island, Beach Haven, N.J., thanked the Mayor and City Council for their time for him to address them. He mentioned that he has a pending settlement for the ownership of 800 and 900 Bay Avenue businesses. He shared his past business experiences and indicated that he plans to be a positive influence and part of the community. Council President McGuigan welcomed him to Somers Point.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 6/1/2020 in the amount of \$ 1,410.00, and a Bill List dated 6/9/2020 in the amount of \$ 1,679,325.41.

Payment of Bills

M/S – Gerety/Dill

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

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Adjournment

Council President McGuigan thanked everyone for their efforts and stated to stay safe. There being no further business to come before Council, Councilman Gerety moved, Councilman Toto seconded and carried to adjourn the meeting at 9:19 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 6/25/2020