

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 13, 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, McGuigan, Dill, Johnston

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

Absent: McCarrie

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.

Council President Johnston requested a motion to move Resolution Numbers 149, 159, and 152 to the top of the agenda.

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve moving Resolution Numbers 149, 159, and 152 to the top of the agenda.

Public Portion Resolutions (149, 159 and 152 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. 149 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

City Clerk Heath read aloud the resolution.

Mayor Tapp conveyed his appreciation to the Support the Troops Club and communicated how proud he is of the younger generation supporting the Veterans.

Council Member McGuigan expressed his high regard for Veterans and that he is thankful that young people are continuing to build on that recognition.

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Chris Mozitis, advisor of the Mainland Regional High School's Support the Troops Club, and members of the club, thanked City Council for their support, spoke about their cause and shared examples of potential license plates.

Mayor Tapp, Council President Johnston and Council Member Haberkorn presented signed Resolutions to the students.

Mayor Tapp, on behalf of Mainland Regional High School, presented an award of scholarship to student, Emmett Lee.

No. 149 of 2024

Subject: Resolution in Support of Mainland Regional High School's Support the Troops Club

Introduced by: Mayor Tapp

Sponsored By: Council President Johnston and Council Members Haberkorn and McCarrie

Whereas, Mainland Regional High School's Support the Troops Club has been serving the community since its inception in 2008, dedicated to supporting military members, veterans, and wounded warriors; and

Whereas, the mission of the Support the Troops Club includes creating public awareness about the sacrifices made by these brave men and women in service of their country; and

Whereas, the Support the Troops Club has undertaken the commendable initiative of the New Jersey License Plate Project, aiming to design a standalone veteran's license plate to honor and recognize the sacrifices endured by military personnel; and

Whereas, the DMV currently does not offer a standalone veterans license plate option in New Jersey, making the Support the Troops Club's project even more vital in providing a visible symbol of gratitude and support for our veterans;

Therefore, be it resolved, that we, Mayor and City Council of Somers Point, extend our wholehearted support to Mainland Regional High School's Support the Troops Club and their efforts in the New Jersey License Plate Project; and

Be it further resolved, that we encourage all citizens to actively engage with and support this project, whether through participation in the design process, spreading awareness, or advocating for the implementation of the standalone veterans license plate option by the DMV; and

Be it finally resolved, that a copy of this resolution be presented to Mainland Regional High School's Support the Troops Club, as a token of our appreciation for their dedication to honoring and supporting our military members, veterans, and wounded warriors

Resolution No. 159 of 2024

M/S- Dill/Haberkorn

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This resolution was adopted by unanimous vote of those present.

City Clerk Heath read aloud the resolution.

Council Member Haberkorn commended Andrew for his leadership.

Council Member McGuigan congratulated Andrew on his achievement.

Council President Johnston also congratulated Andrew and expressed her admiration of him having grown up in Somers Point.

Council President Johnston presented Andrew with the signed Resolution.

No. 159 of 2024

Thanking and Honoring Andrew Alexis, Candidate for Eagle Scout

WHEREAS, Andrew Alexis is a graduate of Dawes Avenue School, Jordan Road School and Mainland Regional High School; and

WHEREAS, Andrew is a member of Troop 55 of the Jersey Shore Council in New Jersey, Boy Scouts of America; and

WHEREAS, Andrew's Eagle Scout project consisted of removing the battered gate to the Great Egg Harbor Township Historical Society's community garden and replacing it with a new one. He also planted an inkberry shrub to fill a gap where another shrub had been and installed plant labels to identify the many plants in the garden.

WHEREAS, Andrew, in conjunction with Troop 55, planned all aspects of the project and supervised other scouts and volunteers to get this environmentally beneficial and sustainable project completed; and

WHEREAS, the project was one of many steps in the process of Andrew's quest in obtaining the rank of Eagle Scout in the Boy Scouts of America, the highest rank available; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point recognizes and honors the efforts of Mr. Andrew Alexis and the excellent example he provides for other young people to follow.

BE IT FURTHER RESOLVED that the City Council of Somers Point convey their gratitude to Andrew and their best wishes to him in all his future endeavors and services to the community.

IN ADDITION, BE IT FURTHER RESOLVED that the City Council of Somers Point thank Troop 55 of the Jersey Shore Council in New Jersey, Boy Scouts of America for their contributions to these worthwhile projects.

Resolution No. 152 of 2024

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M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan congratulated Allison and revealed he is looking forward to her future contributions.

Mayor Tapp shared his congratulations and appreciation.

Council Member Haberkorn commended Allison’s professionalism.

Council Member Dill congratulated Allison and thanked her for hard work and contributions to the City.

Council President Johnston also congratulated Allison and indicated that the City is lucky to have her.

Incoming Deputy City Clerk, Allison Giampapa, was sworn in by City Clerk Heath, while her Aunts Patty and Carol held the bible.

No. 152 of 2024

Subject: Appointment of Deputy City Clerk

Introduced by: Council President Johnston

WHEREAS, due to the recent appointment of Shelby Heath to the position of City Clerk/Registrar of Vital Statistics it is necessary for the City of Somers Point to consider the appointment of a Deputy Municipal Clerk/Deputy Registrar of Vital Statistics; and

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

WHEREAS, among other qualifications, Allison Giampapa has worked in the City Clerk Department beginning January 23rd 2023; and

WHEREAS, Allison Giampapa is a Certified Municipal Registrar; and

WHEREAS, Allison Giampapa is currently working towards all coursework necessary to take the New Jersey Registered Municipal Clerk examination.

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

- 1.) The promotion of Allison Giampapa to the position of Deputy Municipal Clerk/Deputy Registrar of Vital Statistics, an Unclassified position within New Jersey Civil Service (Local Government Job Specification 01509), is hereby approved effective June 1, 2024.
- 2.) Effective June 1st 2024, the annual salary of

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- Allison Giampapa will be \$47,000.00.
- 3.) This is an "at will" employment and is subject to the personnel policies and procedures of the City of Somers Point.

Communications:

None

Mayor's Report:

Mayor Tapp reported that he had received correspondence back from the New Jersey Department of Transportation, who have performed a safety screening of Route 52 and are looking for potential pedestrian crosswalk improvements. Next, he announced events throughout the city, such as, a dedication of a new flagpole from the AMVETS at Circle Liquor Store on 6/14/2024 at 10:00 AM, the Farmers Market every Saturday from 8:00 AM to 12:00 PM behind the Somers Mansion, the Beach Concerts start 6/14/2024 at 7:00 PM and the Historical Society has begun preparing for the Gool Old Days Festival. Furthermore, he thanked the Public Works Department, Fire Department and Police Department for their response to an overturned truck on Shore Road earlier that day. Lastly, he wished City Engineer Schneider a happy birthday.

Administrator's Report:

None

Solicitor's Report:

Solicitor Smith informed City Council that in reference to the City's redevelopment agreement with ALDI, their representative, Mr. Nemas, has requested permission to start the building demolition before the reconstruction of the intersection. After a detailed discussion between Solicitor Smith, Council Members, Mayor Tapp and City Engineer Schneider, with the understanding that the New Jersey Department of Transportation will follow through with their approval of the intersection reconstruction and that a construction fence will be put up around the perimeter of the property, City Council consented to Solicitor Smith corresponding with Mr. Nemas in favor of his request.

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Engineer’s Report:

City Engineer Schneider reported on several resolutions on the agenda, including the Change Order Resolution to close out the Ocean Avenue Phase I Project and the four resolutions to advertise bids for projects in which the City has received grants for from the State.

Committee Reports:

- Recreation Commission – Council Member Owen indicated that at their last meeting on 6/6/2024, they received many suggestions from senior residents in terms of events and communication. Council Member Haberkorn added that one communication suggestion, for residents who do not use the internet, would be to post future events in an enclosed bulletin board.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 5/23/2024 and Executive Session Meeting minutes of 5/23/2024, approved as to content only.

Ordinances:

Ordinance No. 4 of 2024
(First Reading/Introduction)
M/S- Dill/DePamphilis

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

Council President Johnston requested a motion to bring Ordinance No. 4 of 2024 back to the table. On the motion of Council Member Dill, seconded of Council Member DePamphilis and carried to approve bringing Ordinance No. 4 back from the table.

Solicitor Smith specified that before an amendment of the ordinance can take place, taking it off the table would make it the second reading and opening for public comment would be required.

Council President Johnston duly opened the meeting to the public.

Richard Karpf expressed his disagreement with this ordinance and indicated that he believes he is entitled to half of the street vacation.

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

Council President Johnston requested a motion to amend Ordinance No. 4 of 2024.

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the amendment of Ordinance No. 4 of 2024.

Solicitor Smith explained that with the amendment, this will now be the First Reading and Introduction of the ordinance, with the Second Reading and Public Hearing scheduled for the next City Council meeting of June 27, 2024.

Council Member McGuigan called for a point of order, indicating that a vote was still required for the First Reading of the amended ordinance.

Council Member McGuigan emphasized that voting to approve the introduction of the amended ordinance doesn't necessarily mean they are supporting the ordinance, but it allows for it to go to the Second Reading and be opened for public discussion. Next, he asked for clarification on the required notices sent to adjacent property owners.

Council Member Haberkorn asked for clarification on R2F2.

**No. 4 of 2024
(Amended)**

**AN ORDINANCE VACATING A PORTION OF OAK LANE IN THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, during a regularly scheduled public meeting held on July 21, 2022, a presentation was made by Tim Maguire, Esq. to the Somers Point City Council on behalf of 901 Mays Landing Road, Inc., the owners of the Greate Bay Country Club, requesting vacation of a portion of Oak Avenue within Block 1946 in the City of Somers Point; and

WHEREAS, subsequent thereto, a request was made by Keith Davis, Esquire, to the Somers Point City Council on behalf of 901 Mays Landing Road, Inc., the owners of the Greate Bay Country Club, requesting vacation of a portion of Oak Avenue within Block 1946 in the City of Somers Point; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. The portion of Oak Lane to be vacated, as described below, is a "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of a public right of way (the "Area to be Vacated").
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.

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4. The Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. The City Engineer has confirmed that the portion of the right-of-way proposed to be vacated is sixty-two and six tenths feet (62.6') in width.
6. Although the general rule is that whenever a right-of-way is vacated, the vacated area reverts back equally to the owners of the adjoining properties, when the right-of-way was totally on one party's lands, the entire vacated area reverts back to the successor in title to the original owner.
7. The City Engineer has reviewed documentation provided on behalf of 901 Mays Landing Road, Inc., which demonstrates to his satisfaction that the Area to be Vacated was originally granted to the City by a predecessor in title to 901 Mays Landing Road, LLC.
8. The property abutting the Area to be Vacated, to which the title to the right-of-way will revert upon vacation, is a portion of Block 1946, Lot 1, and which is currently owned by 901 Mays Landing Road, Inc.

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. A PORTION OF A PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, and State of New Jersey, bounded and described as described in the "Metes and Bounds Description for Vacation of a Portion of Oak Lane, City of Somers Point, Atlantic County, New Jersey, Project 10588," prepared by William P. McManus, PLS No. 31660, annexed hereto as **Exhibit "A,"** and as depicted on the "Parcel Map Oak Lane to Vacate," dated February 16, 2022, revised October 3, 2022, prepared by William P. McManus, New Jersey PLS No. 31660, annexed hereto as **Exhibit "B."**

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

- A. The City Clerk is directed to publish notice of this Amended Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.
- B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every

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person whose land may be affected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by certified mail / RRR by the City Clerk to the record owners of:

Block 1946, Lot 1
901 Mays Landing Road
901 Mays Landing Road, LLC
3603 ATL-BRIGANTINE #8
Brigantine, NJ 08203

Block 1945, Lot 1
Grace Oil Company
Box 1022
Huntingdon Valley, PA 19009-1022

Block 1945, Lot 2.
Golf Course Holdings LLC
91 Mays Landing Road
Somers Point, NJ 08244

Block 1945, Lot 2.02
Boardwalk Development Company LLC
822 Rear Boardwalk
Ocean City, NJ 08266
Block 1944, Lot 1
Richard A Karpf
46b Coles Avenue
Cherry Hill, NJ 08034

Atlantic County Planning Dept.
PO Box 719
Route 9 & Dolphin Ave Northfield, NJ 08225

Atlantic City Electric Real Estate Department
5100 Harding Highway, Suite 399
Mays Landing, NJ 08330-9902

Public Service Electric and Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 87102

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C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER R2F2, Inc.

All fees and costs associated with preparation and publication of this ordinance shall be paid by R2F2, Inc as the beneficial owner to which title to the majority of the vacated street will revert upon vacation. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. INDEMNIFICATION AND DEFENSE

As a condition of the vacation of Oak Lane, both 901 Mays Landing Road, Inc. and R2F2, Inc., shall execute and deliver an indemnification and hold harmless agreement in favor of the City relative to any and all claims that may be made in connection with the partial vacation of Oak Lane. Said agreement shall be in a form approved by the City Solicitor.

SECTION 6. CONSTRUCTION, MAINTENANCE, AND INDEMNIFICATION AND DEFENSE OF PORTION OF OAK LANE NOT VACATED

As a further condition of the vacation of Oak Lane, both 901 Mays Landing Road, Inc., and R2F2, Inc., hereby agree to construct a roadway and walkway(s) to the specifications approved by the City Engineer for that portion of Oak Lane not vacated, which portion is depicted in **Exhibit “B,”** annexed hereto. Said entities shall maintain, or have maintained in perpetuity said constructed portion of said roadway and sidewalks. In addition, both 901 Mays Landing Road, Inc., and R2F2, Inc., shall execute and deliver an indemnification and hold harmless agreement in favor of the City relative to any and all claims that may be made in connection with that portion of Oak Lane not vacated. This obligation of maintenance shall run with the land. Said agreement shall be in a form approved by the City Solicitor.

SECTION 7. INSURANCE OBLIGATION FOR PORTION OF OAK LANE NOT VACATED

As a further condition of the vacation of Oak Lane, both 901 Mays Landing Road, Inc., and R2F2, Inc., or any subsequent formed homeowner’s association, hereby agree to agree to maintain an insurance policy wherein the City is a named insured relative to the construction, maintenance, and any associated use of the portion Oak Lane not vacated and its associated walkways. Same shall be contained in the Indemnification and Defense Agreement, and shall contain insurance requirements satisfactory to the City Solicitor.

SECTION 8. AMENDMENT TO DEEDS OF EASEMENT AND OF DEDICATION

As a further condition of the vacation of Oak Lane, 901 Mays Landing Road, Inc., as the successor of interest in property previously owned by Plantation Bay, LLC, shall execute the necessary documents to amend the Deed of Easement and Deed of Dedication dated November 5, 2020 between the City and Plantation Bay, LLC, so as to relieve the City of any obligation to maintain the sidewalk areas referenced therein.

SECTION 9. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE.

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This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Ordinance No. 14 of 2024
(First Reading/Introduction)
M/S- Dill/Owen

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

No. 14 of 2024

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$3,150,000 THEREFORE AND AUTHORIZING THE ISSUANCE \$2,992,000 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 \$3,150,000 including the sum of \$158,000 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 \$2,992,000 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

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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	Weighted Average Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including but not limited to Vehicle Exhaust System, Turn-out Gear, EV Blanket (Truck Size), EV Blanket (Bike Size), First Responder Ballistic Vests and Helmets, Bunker Gear, Upfitting retired Police Explorer, 5" Supply Hose, water rescue gear and all attachments and appurtenances applicable thereto.	\$247,150	\$234,750	1.18 years
b.) Acquisition by purchase of Vehicles and Equipment for Public Works Department, including but not limited to a F-350 Truck, F-450 Dump Truck with Plow, Equipment Tire Balancer and Tire Changer, including all attachments and appurtenances applicable thereto.	\$120,000	\$114,000	0.29 years
c.) Acquisition by purchase of Vehicles and Equipment for Police Department, including but not limited to Ongoing Fleet Acquisition, Detective Car, Body Warn Camera Server Upgrades, Fingerprint Machine Scanner and Camera Replacement, Gun Locker, Rifle Gun Sites, Large Paper Shredders, Evidence Room Storage Containers, Building Upgrades and all attachments and appurtenances applicable thereto.	\$332,100	\$315,400	1.03 years
d.) Improvements to Municipal Facilities, including but not limited			

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<p>to Marina Upgrades and Maintenance, Sustainable Communities, Beach Facility Improvements, Redecking of Beach Pier, Heating/Cooling, Construction Office Roof Replacement, JFK Ramp Improvements, Fuel Pump Upgrade, (2) Gate Kiosk Upgrades and Card Reader System, and City Hall Exterior Stairs Project; together with all materials and work necessary therefore, and incidental thereto, including without limitation and all attachments and appurtenances applicable thereto.</p>	\$283,500	\$269,300	1.35 years
<p>e.) Improvements to City's Recreational Facilities, including without limitation hockey court upgrade and improvements together with all materials, equipment and work necessary therefore and incidental thereto.</p>	\$85,000	\$80,700	.405 years
<p>f.) Acquisition by purchase of Public Computer for Tax Collection Office and all appurtenances applicable thereto.</p>	\$7,000	\$6,650	.027 years
<p>g.) 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, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all</p>			

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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.

	<u>\$2,075,250</u>	<u>\$1,971,200</u>	6.588 years
TOTAL	<u>\$3,150,000</u>	<u>\$2,992,000</u>	<u>10.87</u> years

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 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

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- 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 weighted 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 10.87 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 \$2,992,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
 - (d) An aggregate amount not exceeding \$315,000 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.

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

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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.

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. 15 of 2024

(First Reading/Introduction)

M/S- Dill/Owen

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

Council Member Dill emphasized that Bond Ordinance Numbers 14 and 15 were part of the approved 2024 budget.

No. 15 OF 2024

**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 \$1,510,000 THEREFORE AND
AUTHORIZING THE ISSUANCE OF \$1,510,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

REGULAR MEETING MAYOR AND CITY COUNCIL June 13, 2024

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 \$1,510,000. 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

In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,510,000 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.) Construction of Various Improvements to the City Sewer Utility, including without limitation improvements to Station No. 4 and new Defeo Lane Garage, 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.	\$1,400,000	\$1,400,000	40 years

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b.) Purchase of Vehicles and Equipment, including without limitation a Replacement Service Truck and Muffin Monster Exchange Rotation.	\$110,000	\$110,000	15 years
TOTAL	<u>\$1,510,000</u>	<u>\$1,510,000</u>	37.09 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.

(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 37.09 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 \$1,510,000, 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.

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(d) An aggregate amount not exceeding \$302,000 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.

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.

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Ordinance No. 16 of 2024
(First Reading/Introduction)

M/S- Dill/Owen

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

No. 16 of 2024

**AN ORDINANCE FIXING THE SALARIES, WAGES AND COMPENSATION OF THE
OFFICERS AND EMPLOYEES OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

BE IT ORDAINED by the City Council of the City of Somers Point, New Jersey that the annual wages, salaries and compensation of the Officers and Employees of the City of Somers Point shall be as follows, as of January 1, 2024:

SECTION 1. FULL TIME EMPLOYEES

(for full year)

Position	From:	To:
Account Clerk Typist	28,000	58,368
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary with Technical Assistant to the Construction Official Certification	28,000	36,825
Asst. Supervisor of Public Works	40,000	87,000
Bookkeeper	34,898	58,905
Chief Financial Officer, during first calendar year	45,000	73,000
Chief Financial Officer, during second calendar year	73,000	76,000
Chief Financial Officer, during third calendar year	76,000	79,000
Chief Financial Officer, during fourth calendar year	79,000	82,000
Chief Financial Officer, during fifth calendar year	82,000	85,000
City Administrator	60,000	115,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer	40,000	94,667
Clerk Typist	28,000	34,898
Clerk Typist/Matron	28,000	60,748
Confidential Asst. to the City Administrator	28,000	37,500
Confidential Asst. to the City Clerk	30,000	41,000
Confidential Secretary to the Police Chief	28,000	46,484
Construction Official	40,000	65,000
Construction & Code Enforcement Secretary with Technical Assistant to the Construction Official Certification	28,000	36,825
Court Administrator	28,000	44,502
Court Administrator	40,000	71,750
Dept. of Public Works Worker	40,000	78,313

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Department of Public Works Work Leader	40,000	86,738
Deputy City Clerk/Deputy Registrar	35,000	62,457
Deputy Court Administrator	28,000	63,297
Deputy Joint Insurance Fund Commissioner	600	1,500
Deputy Tax Collector	28,000	62,548
Dispatcher	35,250	79,110
Joint Insurance Fund Commissioner	1,200	2,500
Police Patrol Officer	42,971	107,647
Police Sergeant	113,146	118,874
Police Lieutenant	138,324	140,984
Police Captain	149,441	152,315
Police Chief	120,000	169,396
Principal Manager of Public Works	75,000	100,000
Qualified Purchasing Agent	5,000	25,000
Recreation Director	15,000	42,971
Superintendent of Public Works	80,000	125,522
Tax Assessor	40,000	70,000
Tax Collector/Tax Search Officer/Sewer Utility Collector	45,000	82,955
Wastewater Collection System Operator	5,000	14,804

Each full-time employee shall be paid for overtime, and any other additionally earned compensation, in accordance with his/her employment contract. This may include additional compensation based upon the length of his/her service, at the rate of \$100.00 per year, paid in addition to, and together with his/her salary.

**SECTION 2. PART TIME OFFICERS & EMPLOYEES
(for full year)**

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	15,000
Plumbing Sub-Code Official	7,000	15,000
Fire Sub-Code Official	7,000	15,000
Building Sub-Code Official	7,000	15,000
Building Inspector	15.13	30.00
Construction Official	1,000	20,000
Construction Official	15.13	30.00
Housing Inspector	1,000	15,000
Floodplain Manager	1,000	15,000
Temporary UCC Sub-code Official	15.13	30.00
Code Enforcement Officer	15.13	30.00
Asst. Code Enforcement Officer	7,000	32,000
Asst. Code Enforcement Officer	15.13	30.00
Zoning Officer	15.13	80.00
Clerk-Typist	15.13	30.00
Administrative Officer of Planning and Zoning		

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& Construction & Code Enforcement Secretary			
	per hour	15.13	30.00
<u>Police Department</u>			
Dispatcher	per hour	15.13	30.00
School Traffic Guard	per hour		28.50
Special Officer	per hour	15.13	30.00
Data Processing Clerk	per hour	15.13	30.00
Clerk Typist	per hour	15.13	30.00
<u>Recreation</u>			
Special Events Coordinator		500	1,500
Summer Recreation Coordinator	per hour	15.13	30.00
Recreation Workers	per hour	15.13	40.00
Program Instructor	per hour	15.13	35.00
Lifeguard	per hour	15.13	30.00
Boat Ramp Attendant	per hour	15.13	30.00
<u>Public Works Department</u>			
Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	15.13	30.00
Recycling Coordinator		200	1,800
Public Works/Sanitation Workers	per hour	15.13	30.00
Public Works Secretary	per hour	15.13	30.00
Parking Lot Attendant	per hour	15.13	30.00
Wastewater collection System Operator		5,000	14,804
Custodian	per hour	15.13	30.00
Marina Worker	per hour	15.13	30.00
Marina Supervisor	per hour	15.13	30.00
Marina Supervisor	per day	75.00	100.00
<u>Administration, Finance, Tax Collector, Tax Assessor and Court</u>			
Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		5,000	25,000
City Engineer		5,000	15,000
Clerk Typist	per hour	15.13	30.00
Municipal Alliance Coordinator		500	2,000
Safety Coordinator		1,000	2,500
Safety Coordinator	per hour	15.13	30.00
Deputy Safety Coordinator		500	2,000
Deputy Safety Coordinator	per hour	15.13	30.00
Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		5,000	25,000
Joint Insurance Fund Commissioner		1,200	2,500
Deputy Joint Insurance Fund Commissioner		600	1,500

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Municipal Magistrate		10,000	26,000
Temporary Court Clerk	per court session	60.00	100.00
<u>Bureau of Fire Prevention</u>			
Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	15.13	30.00
<u>Fire Department</u>			
Fire Chief			Up to 7,000
Deputy Fire Chief			Up to 5,400
Assistant Chief			Up to 3,900
Captain			Up to 3,600
Lieutenant			Up to 3,300
Fire Marshall			Up to 2,500
Fire Marshall	per inspection hour	15.00	30.00
Deputy Fire Marshall			Up to 2,500
Deputy Fire Marshall	per inspection hour	15.00	30.00
Fire Safety Officer			Up to 1,600
Fire Relief		15.00	35.00
<u>Emergency Management</u>			
Emergency Management Coordinator			Up to 6,000
Deputy Emergency Management Coordinator			Up to 3,000
Assistant Emergency Management Coordinator			Up to 1,500

Each part time hourly employee shall be paid for overtime at the rate of one and one-half times the employee's straight time hourly rate for all hours of work which are more than eight hours worked in one day or forty hours worked in one week for any such part time work.

SECTION 3. REPEALER

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

Resolutions:

Public Portion Resolutions:

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

Resolution No. 131 of 2024

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M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 131 of 2024

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 June 13, 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 June 8, 2009, that arose that the City Council hereby declares that its discussion of the

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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

Solicitor Smith stated that the vote for Resolution No. 132 of 2024 would take place after the Executive Session.

Resolution No. 145 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 145 of 2024

Subject: Authorizing Purchase of Public Administration Software through the Sourcewell (formerly NJPA) National Purchasing Program contract from Brightly Software, Contract Number #090320-SDI, for the Somers Point Sewer Department

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point is permitted to participate in national purchasing cooperatives according to N.J.S.A 52:34-6.2; and

WHEREAS, the Sourcewell (formerly NJPA) National Purchasing Program has acted as lead agency and awarded Contract # 090320-SDI, Public Administration Software with an Expiration Date of 11/02/2024; and

WHEREAS, the City’s Sewer Department has a continued need to purchase Public Administration Software to utilize for maintenance scheduling, asset reporting, best practice guidance, and various other applications; and

WHEREAS, Sewer Operator Steve Hornig, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Sourcewell

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#090320-SDI, Public Administration Software, and have determined that the acquisition of the software is the functional economic solution to continually evaluate the performance of the City of Somers Point's Sewer Assets; and

WHEREAS, it is recommended that City Council approve the acquisition of this software for the Sewer Department's use throughout the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, that Public Administration Software be purchased from Brightly Software in accordance with the Sourcewell #090320-SDI, Public Administration Software, contract for use by the Sewer Department as follows:

Item:

Total Amount of Sourcewell #090320-SDI,
Public Administration Software from Brightly Software
\$ 9,533.18

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$9,533.18 in accordance with the Sourcewell #090320-SDI, Public Administration Software, contract for use by the Sewer Department.

Resolution No. 146 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present with Council Member McGuigan recusing.

No. 146 of 2024

Subject: Approving Sponsorship by the City of Somers Point and the Somers Point Recreation Commission of the "Good Old Days" Festival

Introduced by: Council Members Owen and McCarrie

Whereas, The Good Old Days Festival has for many years been a mainstay of the Somers Point celebration and entertainment calendar, celebrating its 45th anniversary this year; and

Whereas, it is necessary for the proper permits and approvals to be obtained from the Somers Point Recreation Commission; and

Whereas, one of the Recreation Commission permit regulation requirements is to provide a Certificate of Insurance naming the City and the Somers Point Recreation Commission as additional insureds under the policy; and

Whereas, the Somers Point Historical Society has joined with the Good Old Days Festival Organizing Committee in presenting the event; and

Whereas, the Organizing Committee and the Historical Society are requesting, in an effort to not duplicate coverage and minimize costs, a waiver from the insurance requirements and has

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requested the City of Somers Point to co-sponsor the event to be held upon City owned property;
and

Whereas, this request will not eliminate the obligation of the organizing entity to utilize properly licensed purveyors of any alcoholic beverages which may be approved for consumption and will require that purveyor to utilize only properly trained personnel to dispense the alcoholic beverages, and will provide a certificate of insurance naming the Somers Point Historical Society, the City of Somers Point, the Somers Point Recreation Commission, their officers, officials, agents, and employees as additional insureds and which shall include General Liability and Automobile Liability, each having a minimum of in the amount of at least One Million Dollars (\$1,000,000.00) in coverage; and

Whereas, this annual festival has for many years been enjoyed by our residents and others and has served a worthy cause; and

Whereas, such requests are considered on a case by case basis and with due consideration to the nexus between the event, the sponsor and this City; and

Whereas, this Governing Body desires to support this worthwhile organization and the event;
and

Whereas, by approving the request the City does not intend to set a precedent or to be bound to provide any such waiver for any future event by this or any other applicant; and

Now, Therefore, Be It Resolved by the City Council of the City of Somers Point that the request made by the Somers Point Historical Society for waiver of the required Certificate of Insurance is hereby approved subject to compliance with all other rules and regulations of the Recreation Commission, obtaining all other required permits, and production of the Insurance Certificate to be provided by the purveyor(s) of any approved alcoholic beverages in a form satisfactory to the City Administrator and the City's Risk Manager; and

It is **Further Resolved** that in recognition of the longtime presence of this event within our City, the City of Somers Point will proudly co-sponsor this year's event, which is scheduled for September 7, 2024.

Resolution No. 147 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

Mayor Tapp revealed that he believes the Historical Society should take the lead on any ceremonies relating to the 250th anniversary.

Council Member Haberkorn pointed out that in the NJ Municipalities magazine there is an article talking about the RevolutionNJ Initiative.

No. 147 of 2024

Subject: Supporting New Jersey's RevolutionNJ Initiative

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Introduced By: Council Member Haberkorn

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and City; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, Somers Point has always had a deep sense of pride in its history and with a very robust and active Historical Society that maintains and preserves numerous artifacts and pieces of Somers Point's deep history; and

WHEREAS, Somers Mansion was built circa 1720-1726, and is the oldest house in Atlantic County and was the home of Richard and Judith Somers, who raised ten children here, one of their sons, also named Richard, was born here on November 24, 1737 and would go on to serve as a Colonel in the Revolutionary War, in command of the 3rd Battalion of the Gloucester County Militia; and

WHEREAS, The Somers Burial Ground is located at the New York Avenue School with Colonel Richard Somers buried there, along with his wife Sophia and other members of the extended Somers family; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Somers Point hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

BE IT IS FURTHER RESOLVED that the City Council of the City of Somers Point commemorates the 250th anniversary of the establishment of the United States as an independent Nation and authorizes the appointment of a committee to develop a plan for this commemoration

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that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.

AND IT IS FURTHER RESOLVED that the City Council of the City of Somers Point further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Resolution No. 148 of 2024

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

No. 148 of 2024

Subject: Adopting a Sustainable Land Use Pledge

Introduced by: Council Member McGuigan

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, in Somers Point, it is specifically important to us to care for our land as a watershed since our community is bordered by water which is an important component of our economy and our recreation life as well home to a great deal of wildlife; and

WHEREAS, poor land-use decisions can lead to increased societal ills, including loss of mobility, higher housing costs, loss of open space, and degradation of natural resources which would be detrimental to quality of life; and

WHEREAS, well-planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, New Jersey's tradition of home rule and local authority over planning and zoning, requires municipalities to take the lead to achieve a statewide sustainable land use pattern;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point, that the City intends to take the following steps with regard to our municipal land-use decisions with the intent of making Somers Point a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination

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report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

- Reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.
- Continue creating transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit, and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking, creating parking spaces with Electric Vehicle Charging Stations and other innovative parking alternatives.
- Take action to protect the natural resources of our City for environmental and recreational value, avoiding or mitigating negative impacts to these resources.
- Complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.
- Use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
- Foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels through the use of our zoning and revenue generating powers.
- Incorporate the principles of green design, energy efficiency, and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.
- Consider factors such as walkability, bike friendliness, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Resolution No. 150 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 150 of 2024

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Subject: Sewer Underpayment Rebill Block 1010 Lot 1.01

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

WHEREAS, the below listed underpayment for the years designated is owed to the City of Somers Point; and

WHEREAS, the sewer payments were underbilled inadvertently by 20 units, use of the wrong premise number causing the underbilling, creating an underpayment and;

WHEREAS, \$386.00 was billed for the year 2024, however, the total should have been \$8106.00.

WHEREAS, the City of Somers Point has requested the underpayment be rebilled.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following underpayment be rebilled to Ole Hansen and Sons Inc.

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

Block	Lot	Qualifier	Property Address	Amount	Year
1010	1.01		505 Bay Avenue	\$7,720.00	2024

Total: \$7,720.00

Resolution No. 151 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 151 of 2024

Subject: Appointing Fund Commissioner and Alternate Fund Commissioner

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as the FUND; and

WHEREAS, the Bylaws of the FUND require that in the manner generally prescribed by law, each member shall appoint one (1) Fund commissioner to the Fund. Each Fund commissioner shall be either a member of the local unit's governing body or one of its employees; and

WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is a member of the appointing local unit's governing body, shall hold office for two years or for the remainder of his/her term of office as a member of the local unit's governing body, whichever shall be less; and

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WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is an employee of the appointing member shall hold office at the pleasure of the member and can be removed by the member at any time without cause; and

WHEREAS, the City Council of the City of Somers Point recommends the appointment of Shelby Heath to serve as Fund Commissioner and Allison Giampapa as Alternate Fund Commissioner in accordance with the FUND Bylaws.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that it does hereby appoint Shelby Heath as Fund Commissioner and Allison Giampapa as Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund.

Resolution No. 153 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 153 of 2024

Subject: **Liquor License Renewals**

Introduced by: **Council President Johnston**

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed through June 30, 2025:

0121-31-020-002	American Legion Clark Eliason Post 352
0121-33-004-008	Point Pub of NJ, Inc. (Passion Vines)
0121-33-005-004	Charlie's, Inc.
0121-33-007-004	Crab Trap, LTD
0121-33-008-004	The Doc's Place
0121-33-001-013	Apple New Jersey, LLC (Applebee's)
0121-31-024-001	Somers Point Volunteer Fire Company No 2
0121-33-002-004	MPF741 LLC (Anchorage Tavern)
0121-33-003-008	Lost Boys, Inc. (Caroline's)
0121-33-009-004	AMT Holdings, LLC (pocket license formerly The Pearl)
0121-33-016-011	R2F2, Inc. (Greate Bay Golf & Country Club)
0121-33-017-009	R A Ranalli Enterprises, LLC (Tavern on the Bay Resort)
0121-33-019-017	939 Bay Avenue LLC (Beach House Bar & Grill)
0121-31-022-001	Roberts Johnson Post 2189 VFW
0121-33-013-004	Joe's Circle Café (DiOrio's)
0121-33-010-002	Gregory Hotel, Inc.

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0121-44-006-003
0121-33-015-010

Circle Liquor Store, Inc.
GMH Restaurant Enterprises, LLC (The Point)

Resolution No. 154 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 154 of 2024

Subject: Resolution Authorizing an Award of Contract Between the City of Somers Point and Constellation NewEnergy, Inc., for Electricity Generation Supply Service Under the South Jersey Power Cooperative E8802-SJPC

Introduced by: Council President Johnston

WHEREAS the County of Camden on behalf of the South Jersey Power Cooperative ("SJPC") publicly advertised bids for the purpose of procuring electric energy services (Bid A-12/2024); and

WHEREAS, on May 21, 2024, beginning at 11:30 a.m. Prevailing Time, the Division of Purchasing, received and opened bids for Bid A-12/2024 with two (2) bids received; and

WHEREAS Constellation NewEnergy, Inc. is the lowest responsible bidder for electric generation service for Groups 3, 4, 5, 6, and 8 for a term of 24 months

effective July 1, 2024, through June 30, 2026, at the following rates:

Group 3 at \$0.09496/kWh;

Group 4 at \$0.10795/kWh;

Group 5 at \$0.11095/kWh;

Group 6 at \$0.07299/kWh;

Group 8 at \$0.07599/kWh;

and

WHEREAS no award is recommended for Group 7 which is currently with the utility; and

WHEREAS there is a need to authorize and award a contract to Constellation NewEnergy, Inc., for Groups 3, 4, 5, 6, and 8, for the needs of the City of Somers Point and participating members of the SJPC as described above for a period of 24 months, with the first meter reading on or after July 1, 2024, for each participating member; and

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WHEREAS, funding for this purpose (for Bid A-12/2024) shall be encumbered at the per kilowatt-hour rates stated herein in the amounts to the limit of the budget appropriation for this purpose in accordance with N.J.A.C. 5:30-5.5(b)(2) and shall further be contingent upon the availability and appropriation of sufficient funds for this purpose in the City's 2024 Budget and 2025 and 2026 Temporary and/or Regular Budgets; now, therefore,

BE IT RESOLVED by the City of Somers Point that, contingent upon the funding as described herein, the Business Administrator is hereby authorized to execute all documents necessary to affect the agreement described herein with Constellation NewEnergy, Inc., 1001 Louisiana Street, Suite 1000, Houston Texas 77002, for Groups 3, 4, 5, 6, and 8 of Bid A-12/2024, at the kWh hour as detailed herein, for a term of 24 months effective July 1, 2024, through June 30, 2026, be and the same is hereby approved and awarded; and

BE IT FURTHER RESOLVED no award is made for Group 7 which shall remain with the utility; and

BE IT FURTHER RESOLVED that each Participating Government Entity shall encumber funds in accordance with law and shall award a similar contract for its needs to Constellation NewEnergy, Inc. as described herein, in accordance with the terms and conditions of Bid A-12/2024.

Resolution No. 155 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 155 of 2024

Subject: Resolution Authorizing the City of Somers Point to Appoint Human Resources Consultant Specializing in NJ Civil Service

Introduced by: Council Member Johnston

WHEREAS, the City of Somers Point has identified a need for a Human Resources Consultant Specializing in NJ Civil Service for 2024, namely Cynthia Cotton; and

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

1. Cynthia Cotton, be and hereby is appointed as Human Resources Consultant Specializing in NJ Civil Service for the City of Somers Point for the period June 1st 2024, through December 31st , 2024, inclusive.

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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 is hereby authorized to execute an agreement with Cynthia Cotton, in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.

Resolution No. 157 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan reiterated that Energy Tax Receipts belong in the Municipality, not the State.

No. 157 of 2024

Subject: **Calling for the Restoration of Energy Tax Receipts**

Introduced by: **Council Member McGuigan**

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980’s, when at the request and for the convenience of the taxpaying utilities, the State became the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major State “reform” of utility taxes in the mid-1990’s, which legislation validated and supposedly capped the State’s annual skim, and which included a “poison pill,” requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State’s authority to collect the tax; and

WHEREAS, in the late 1990’s, a state law was passed requiring the Energy Tax distribution to be annually increased by the rate of inflation; and

WHEREAS, when the State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how State officials might evade compliance; and

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WHEREAS, in order for the State to increase Energy Tax distribution by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State officials reduced the Consolidated Municipal Property Tax Receipts Aid (CPMTRA) distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, it is well past time for the diversion by state officials of this municipal funding intended for local property tax relief to end with municipal governments currently facing stark financial challenges and difficulties, including the dramatic hike in healthcare premium costs for our employees, pension increases, skyrocketing costs for solid waste collection and disposal, increased insurance costs, newly mandated state environmental costs, and much more — all driving costs that will ultimately be borne by property taxpayers without relief.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the City of Somers Point urges the New Jersey State Senate and the New Jersey State Assembly to immediately restore in full the Energy Tax Receipts Property Tax Relief Act funding in the State Fiscal Year 2025 Budget.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to New Jersey Governor Philip J. 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 as well as the surrounding municipalities.

Resolution No. 158 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 158 of 2024

Subject: Authorizing Execution and Delivery of Amendment 3 to a Memorandum of Understanding Between the City of Somers Point and Avia NJ Mays Landing, LLC Extending the Negotiating Period

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

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

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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

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

Whereas, by Resolution 61 of 2024 the Somers Point City Council approved the execution and delivery of Amendment 2 to the MOU extending the Negotiating Period to July 1, 2024; and

Whereas, although discussions have been ongoing between the Parties, and a Redevelopment Plan and Redevelopment Agreement are soon to be considered by the Somers Point City Council, that process will not be completed prior to the expiration of the Negotiating Period as previously extended; and

Whereas, the Negotiating Period may be mutually extended by the Parties as contemplated by Section 5 of the MOU and Amendment 1; and

Whereas, the Parties are desirous of continuing the negotiations.

Now, therefore, it is hereby Resolved by the Common Council of the City of Somers Point that Section 2 of the MOU shall be amended to extend the Negotiating Period through September 30, 2024; and

It is further Resolved that the Mayor is authorized to execute and deliver Amendment 3 to the MOU in the form attached hereto; and

It is further Resolved that all other terms and conditions of the MOU shall remain in full force and effect.

Resolution No. 160 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

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No. 160 of 2024

Subject: Change Order 1 – Contract No. 123 – FY 2022 Municipal Aid – Ocean Avenue Phase I

Introduced By: Council Member Dill

WHEREAS, in accordance with Resolution 224 of 2023, South State, Inc., of Bridgeton, New Jersey was awarded the contract for the FY 2022 Municipal Aid – Ocean Avenue Phase I for the sum of \$433,000; and

WHEREAS, during the course of construction changes were made due to additional mobilization required due to a conflict with a gas main and to reflect as-built quantities; and

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

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

Contract Amount	\$433,000.00	
Change order 1	-\$1,922.10	
Revised Contract Amount	\$431,077.90	
Total Deduction: \$1,922.10	Total Additional: \$0	Net Change: -0.44%

WHEREAS, the NJDOT Local Aid Office must also concur with this change order;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the FY 2022 Municipal Aid – Ocean Avenue Phase I 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. 166 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 166 of 2024

Subject: Municipal Safety Coordinator Appointment

Introduced By: Council President Johnston

WHEREAS, due to a retirement, it is necessary for the City of Somers Point to consider the appointment of a Municipal Safety Coordinator; and

WHEREAS, a recommendation was made by the Personnel Committee to the City Administrator to appoint Shelby Heath to the position of Municipal Safety Coordinator; and

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WHEREAS, adequate funds are available within the City Clerk’s Salaries and Wages Budget of 2024 for this appointment.

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

- 1.) The appointment of Shelby Heath to the part time position of Municipal Safety Coordinator is hereby approved June 13th 2024 with an effective start date of June 1st 2024.
- 2.) Effective June 1st 2024, the stipend to Shelby Heath will be \$2,500.00 annually.

Consent Agenda Resolutions:

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

No. 156 of 2024

Subject: Amending Personnel Policies and Procedures Manual

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

WHEREAS, it is the policy of City of Somers Point (“City”) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the City, from time to time, reviews its Personnel Policy and Procedures Manual to ensure that its terms and provisions are in conformity with the content of existing contracts the City has with its Unions; and

WHEREAS, based upon such a recent review, as well as based on the recommendation from the City’s Human Resource Officer, City Council has determined that there is a need to amend the personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with the contracts their Unions have negotiated for them.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the Personnel Policies and Procedures Manual is hereby amended to include the policies, procedures and forms

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attached hereto and made a part hereof and to replace the existing policies and procedures that may have previously been adopted as the referenced page number, if applicable, as follows:

<u>Item</u>	<u>PPPM Page Number</u>
Leaves of Absence (Vacation)	VII-3

No. 161 of 2024

Subject: Amending Resolution No. 134 of 2024, Which Amended Designated Depositories – CY 2024

Proposed By: Mayor Dennis Tapp

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

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 by Resolution No. 6 of 2024 had designated three (3) such depositories for the City of Somers Point; and

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

WHEREAS, on May 9, 2024, City Council approved Resolution No. 134 of 2024, with the intent to add Fulton Bank as an additional depository; and

WHEREAS, the aforesaid resolution contained superfluous language not applicable to adding another depository to those which the City would have available for use; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the following named bank be added to the previously named depositories in Resolution No. 6 of 2024, and it is hereby designated as an official municipal depository for the City of Somers Point retroactive as of April 26, 2024.

1. FULTON BANK

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

1. That funds of the City of Somers Point which may be on deposit at any of the above enumerated financial institutions may be withdrawn on checks, drafts, advises of debit, notes or other orders for the payment of monies bearing any two signatures of the following individuals: Dennis Tapp, Mayor; Shelby R. Heath, City Clerk; Jason Frost, City Administrator, Chief Financial Officer; Shana W. Kestrel, and the financial institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any of the approved signatories.
2. That the financial institution is hereby directed to accept and pay without further inquiry any item drawn against any of the City's accounts with the financial institution bearing the

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signature or signatures as authorized above or otherwise, even though drawn or endorsed to the order of any signatory signing or tendered by such signatory for cashing or in payment of the individual obligation of such signatory or for deposit to the signatory's personal account and the financial institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such item or the proceeds of such item.

3. That any one of such signatories is authorized to endorse all checks, drafts, notes and other items payable to or owned by the City for deposit with the financial institution, or for collection or discount by the financial institution; and to accept drafts and other items payable at the financial institution.
4. That the above-named signatories are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks, or items of the City may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.
5. That the authorities hereby conferred upon the above-named signatory shall be and remain in full force and effect until written notice of the revocation thereof shall have been delivered to and received by that financial institution at each location where an account is maintained. Any such notice shall not affect any items in process at the time notice is given.
6. That the City Administrator and Chief Financial Officer be and are hereby empowered to establish and maintain the accounts they deem necessary at any of the above enumerated depositories.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Resolution No. 6 of 2024 is hereby amended to now include the current City Clerk.

NOW, THEREFORE, BE IT FURTHER RESOLVED Resolution No. 134 of 2024 is hereby amended to remove any language contained therein which is inconsistent with the terms contained herein.

No. 162 of 2024

Subject: Authorizing Advertising Bids for Pacific Avenue Stormwater Pump Station Replacement

Introduced by: Council Member Dill

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to replace a Stormwater Pump Station at Pacific Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Pacific Avenue Stormwater Pump Station Replacement; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at

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a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 163 of 2024

Subject: Authorizing Advertising Bids for Exton Road Stormwater Pump Station

Introduced by: Council Member Dill

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to construct a Stormwater Pump Station along Exton Road; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Exton Road Stormwater Pump Station; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 164 of 2024

Subject: Authorizing Advertising Bids for Ocean Avenue Stormwater Repairs

Introduced by: Council Member Dill

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to perform stormwater repairs along Ocean Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Ocean Avenue Stormwater Repairs; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 165 of 2024

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Subject: Authorizing Advertising Bids for FY 23 Safe Streets to Transit – Shore Road Improvements

Introduced by: Council Member Dill

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to construct pedestrian improvements along Shore Road; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the FY 23 Safe Streets to Transit – Shore Road Improvements; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Old Business:

None

New Business:

- City Council approved, with Council Member McGuigan recusing, a Social Affiar Permit Application for Somers Point Historical Society for Good Old Days on 9/7/2024 from 12:00 PM to 6:00 PM at Kennedy Park.
- City Council approved the request of Liberty and Prosperity for use of Richard Somers Park for an event to Remember and Honor Richard Somers on 9/4/2024 from 3:00 PM to 5:00 PM.
- City Council approved a Social Affair Permit Application for Grace Lutheran Church for an event on 9/27/2024 from 5:00 PM to 8:00 PM.

Discussion of Bills:

Administrator Frost reported a Bill List dated 6/11/2024 in the amount of \$494,277.23.

Public Portion:

Council President Johnston duly opened the meeting to the public.

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Patricia Pierson commended the landscaping of the shopping center on Bethel Road, and asked for clarification on Ordinance Numbers 4, 14, 15 and 16.

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

Payment of Bills:

M/S: Dill/Owen

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

Comments from Governing Body:

None

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:25 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:31p.m.

Resolution No. 132 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 132 of 2024

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

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MAYOR AND CITY COUNCIL
June 13, 2024**

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

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.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Haberkorn seconded and carried to adjourn the meeting at 8:32 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 13, 2024**

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 6/27/2024