

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 22, 2023**

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

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

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

Open Public Meetings Act:

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

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve a 48-hour waiver to approve Emergency Record of Payments.

Communications:

- Council Member McCarrie stated that the public are having a hard time hearing the City Council Meetings due to the quality of the microphones.
- Council President Johnston asserted that the issue with the microphones is being worked on.

Mayor's Report:

Mayor Glasser announced that Art in the Park will be held on Saturday, June 24, 2023. He said that it is expected to storm on Saturday and that we will know by June 23, 2023, if the event is cancelled or not. He also mentioned that the City's Emergency Services were exceptionally busy last week, and he plans to meet with the Public Safety Committee and City Administrator Frost to discuss the possibility of hiring additional police officers.

Administrator's Report:

None

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Solicitors Report:

Solicitor Smith first gave clarification on Resolution No. 157 of 2023. Next, he discussed the progress of the draft cannabis ordinance, where he stated that since the June 8, 2023, meeting, he has revised the draft ordinance and has been working with Mr. John Helbig, who has provided a draft of land development standards and has given a presentation to the Cannabis Committee concerning the zoning overlay. Solicitor Smith went on to mention that they are at the point where an ordinance can be introduced at the next City Council Meeting. However, he indicated that if City Council wanted to get the new ordinance to the Planning Board before their next meeting, City Council would need to hold a special meeting ahead of the July 27, 2023, Regular Meeting. He also revealed that there is pending litigation relative to the State of New Jersey's licensing and their use of a point system. He recommends not using the point system and reminded City Council of the need to keep this process and ordinance as clean as possible to avoid any problems. Lastly, he thanked John Helbig and the Cannabis Committee.

Engineers Report:

City Engineer Schneider reported that the Bike Path Enhancement project continues, and the foundation was poured today for the pedestrian push beacons. He hopes that this project will be completed by next week. Next, in reference to Resolution Numbers 160 and 161 of 2023, he expressed that he is hoping to receive bids and award them by the next meeting, however, it depends on how long it takes the New Jersey Department of Transportation to approve the plans.

Committee Reports:

- Historical Society- Council Member Bruno shared that the Eddie and the Cruisers movie event was one of the most successful fundraisers the Society has had. They are also planning future movie nights, such as the Grace Kelly movie on September 16, 2023, and To Catch a Thief. Moreover, the Historical Society is planning to hold a Purse Bingo.
- Parking Committee- Council Member Owen indicated that starting June 29th or June 30, 2023, the boat ramps should be in full swing.
- Budget and Finance Committee- Council Member McGuigan stated that the Budget and Finance Committee are scheduled to meet with the accountant and auditor to review the audit management letter. He also mentioned that the CFO has sent out the Cost and Revenue Reports for the months of January through May, and he encourages each Council Member to review them.

Approval of Minutes:

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On the motion of Council Member Bruno, seconded of Council Member Owen and carried to approve the Regular Meeting Minutes of 6/8/2023.

Ordinances:

Ordinance No. 10 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Dill/McCarrie

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

Council President Johnston duly opened the meeting to the public.

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

Solicitor Smith reported that at the conclusion of the Planning Board's review, they have found Ordinance No. 10 to be consistent with the City's Masterplan and recommend for City Council to adopt Ordinance No. 10, subject to the recommendation that Ordinance No. 10 contains the verbiage that it would only apply to perspective businesses and not to be used by existing restaurants to increase their current seating count without applicable City approval. Solicitor Smith asked City Council to each share if they agree with the Planning Board's recommendation or would like to disregard the recommendation. The vote is recorded as follows:

- Bruno – Agrees with the Planning Board's recommendation.
- Owen – Agrees that the City should consider the Planning Board's recommendation.
- DePamphilis – Disregard recommendation and keep the ordinance as is. He believes that if a restaurant wants to add a couple of tables, and they are in compliance, they should not have to go through the Planning Board for approval.
- McCarrie - Disregard recommendation and keep the ordinance as is.
- McGuigan - Disregard recommendation and keep the ordinance as is.
- Dill - Disregard recommendation and keep the ordinance as is.
- Johnston - Disregard recommendation and keep the ordinance as is.

Council Member McGuigan conveyed that his willingness to support this Ordinance is to encourage the growth of new business and allow existing businesses to adjust.

No. 10 of 2023

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

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

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

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

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

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

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

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

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

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

SECTION 1:

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

SECTION 2:

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

SECTION 3:

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

SECTION 4:

Chapter 114 of the Code of the City of Somers Point, Article XII, TC Transient Commercial District, Section 114-77, Off-Street Parking, Paragraph B is hereby amended to read as follows:

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For coffee shops and restaurants: one on-site off-street parking space for each five seats devoted to service.

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

SECTION 8:

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

Ordinance No. 15 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Dill/McCarrie

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

Council President Johnston duly opened the meeting to the public.

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

NO. 15 of 2023

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,700,000 THEREFORE AND AUTHORIZING THE ISSUANCE \$2,565,000 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

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sum of \$2,700,000 including the sum of \$135,000 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 \$2,700,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Projects

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

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including but not limited to Chief Vehicle, Turn-out Gear, Air Cylinders, Fire Hose, Water Rescue Gear, breaching equipment, hydrant valves and all attachments and appurtenances applicable thereto.	\$160,000	\$152,000	15 years
b.) Acquisition by purchase of a Ballfield Groomer, Pick-Up Truck, Stand-Up Mower for the Public Works Department including all attachments and appurtenances applicable thereto.	\$118,000	\$112,100	5 years
c.) Acquisition by purchase of Police Department public safety equipment including Speed Trailer, Radio Battery Replacement, Ballistic Shields, breaching tools, Portable Scanner, Plate Readers Camera, Traffic Cones and Signage, Computers and Monitors, vehicle Accessories,			

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Computer Server, Building Upgrades and all attachments and appurtenances applicable thereto.

\$279,000 \$265,000 15 years

d.) Improvements to municipal facilities including but not limited to replacement of roofs, air monitoring, temporary boiler solution, Computer Server, building renovations; together with all materials and work necessary therefore, and incidental thereto, including without limitation and all attachments and appurtenances applicable thereto.

\$255,000 \$242,250 15 years

e.) Acquisition by purchase of recreation equipment, handicapped beach access mats, hockey court renovations, boat ramps hardware, and appurtenances applicable thereto.

\$160,000 \$152,000 15 years

f.) 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 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

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planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

	<u>\$1,728,000</u>	<u>\$1,641,600</u>	10 years
TOTAL	<u>\$2,700,000</u>	<u>\$2,565,000</u>	10.70 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 lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10.70 years.

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- (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 \$2,565,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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 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;

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(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. 16 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Dill/McCarrie

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

Council President Johnston duly opened the meeting to the public.

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

NO. 16 OF 2023

**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 \$1,617,000 THEREFORE AND
AUTHORIZING THE ISSUANCE OF \$1,617,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

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

SECTION 1. Appropriation for Projects-Down Payment

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For

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the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,617,000. 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 \$1,617,000 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
Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,617,000	\$1,617,000	40 years
TOTAL	<u>\$1,617,000</u>	<u>\$1,617,000</u>	<u>40 years</u>

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

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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 40 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 \$1,617,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$323,000 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

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

SECTION 11. Inconsistencies

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

SECTION 12. Effective Date

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

Ordinance No. 17 of 2023

(First Reading/Introduction)

M/S- Dill/Owen

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

No. 17 of 2023

**An Ordinance Amending the Somers Point Municipal Code - Chapter
174, Mercantile Licenses; Section 174-5, Conditions for Issuance.**

BE IT ORDAINED by the City Council of the City of Somers Point, in the County of Atlantic, New Jersey, as follows:

WHEREAS, Chapter 174 of the Code of the City of Somers Point (“City”) sets forth the requirement of, fees and conditions for the issuance of a Mercantile License for certain business operations in the City; and

WHEREAS, Section 174-5 of Chapter 174 specifically addresses the conditions for the issuance of a mercantile license; and

WHEREAS, Subsection (C) of Section 174-5 of Chapter 174 sets forth certain requirements relative to capacity and approval by certain inspectors; and

WHEREAS, the City’s Construction Official has made certain suggestions relative to deleting the capacity requirement of said subsection, as well as simplifying the reporting process to the mercantile tax collector; and

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WHEREAS, City Council is in agreement that these suggestions should be approved by Council and codified in the City Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey that the Somers Point Municipal Code Chapter 174, Mercantile Licenses; Subsection (C) of Section 174-5, Conditions for Issuance, is hereby amended as follows:

SECTION 1:

C. No license shall be granted for any theater, scenic theater, moving-picture show, dance hall or in any other public place until such time as the Construction Official certifies, in writing, to the mercantile tax collector that the applicant has complied with all the ordinances and regulations respecting protection of life and property relating to such places. The Construction Official shall issue a certificate of approval subject to the New Jersey Division of Fire and Safety certifying approval of the license within a forty-five (45) day period. The certificate of license shall be conspicuously displayed on the premises where the business is conducted.

SECTION 2:

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

SECTION 3:

This Ordinance shall take effect after final passage, adoption and publication according to law.

Ordinance No. 18 of 2023

(First Reading/Introduction)

M/S- Dill/Bruno

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

Solicitor Smith noted that the second statutory reference should read N.J.S.A 39:4-197.7.

No. 18 of 2023

**An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6.
and N.J.S.A. 39:4-197.7, Repealing Ordinance No. 17 of 2021
which Authorized the Establishment of a Restricted Parking
Zone in Front of the Residence at 200 Pennsylvania Avenue.**

WHEREAS, pursuant to the provisions of N.J.S.A. 39:4-197.6, N.J.S.A. 39:4-197.7, and Sections 250-48 and 250-57 of the Somers Point Municipal Code, City Council passed Ordinance No. 17 of 2021, which established a restricted, handicapped parking zone in front of 200 Pennsylvania Avenue; and

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

Resolution No. 151 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Member Dill thanked Margy for her years of service to the City.
Solicitor Smith concurred with Council Member Dill and congratulated Ms. Wismer.
Council Member McGuigan also thanked Ms. Wismer for her years of service.

No. 151 of 2023

Subject: Authorizing Agreement with Margy Wismer

Introduced By: Council Members Dill, McGuigan and McCarrie

WHEREAS, after a long and dedicated service to the City of Somers Point, Municipal Court Administrator Margy Wismer shall retire from the Somers Point Municipal Court Office effective June 30th 2023; and

WHEREAS, upon retirement Margy Wismer is entitled to certain items, payments, and benefits in accordance with the agreement effective January 1st, 2022 (Res 174 of 2021) between the City of Somers Point and Margy Wismer; and

WHEREAS, the City of Somers Point has determined that Margy Wismer will have an accumulated, reimbursable total of 60.86 days of unused sick leave; and

WHEREAS, Margy Wismer's last regular day of work shall be June 30th 2023, and she is scheduled to received her last regular pay on June 30th 2023; and

WHEREAS, pursuant to the Agreement between the City of Somers Point and Margy Wismer, the City of Somers Point shall tender to Margy Wismer a lump-sum payment for unused sick leave in her retirement as defined in that agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the City Administrator to provide all rights and entitlements to Margy Wismer as enumerated in the agreement effective January 1, 2022 between the City of Somers Point and Margy Wismer..

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point congratulates Margy Wismer and wishes her the best of luck in her retirement.

Resolution No. 152 of 2023

M/S- Dill/Bruno

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This resolution was adopted by unanimous vote of those present.

No. 152 of 2023

Subject: Promotion of Tanya Hancock

Introduced By: Council Members Dill, McGuigan and McCarrie

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

WHEREAS, Tanya Hancock has been employed by the City of Somers Point since January of 2022, has performed the duties of Deputy Court Administrator in the Municipal Court in addition to completing coursework towards her Municipal Court Administrator Certification; and

WHEREAS, the Municipal Court Administrator, City Administrator, and City Council Personnel Committee have recommended that Tanya Hancock be promoted; and

WHEREAS, adequate funds are available within the Municipal Court operations in the 2023 Adopted Budget for this promotion.

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

- 1.) Effective January 1st 2023 the salary of Tanya Hancock will be in accordance with the designation of Deputy Court Administrator 3, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which for 2023 is \$51,770.00.

Resolution No. 153 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 153 of 2023

Subject: Approving Proposals – Goods and Services 2023

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

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on January 24th 2023, March 17th 2023, March 21st

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2023, April 6th 2023, May 24th 2023, and June 16th 2023 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of April 1st, 2023 to March 31st, 2024:

- a) **Alarm, Monitor, Networking and Ancillary Parts, Installation and Service**
Priority Protection Services LLC
- b) **Celling's, Flooring, Wall Covering and Partition Material, Materials and Installation and Services**
ERCO
- c) **Cellular Communications and Mobile Broadband Services**
Verizon
- d) **Concrete and Masonry Service**
Landberg Construction
- e) **City Hall Custodial Services**
Offshore Carpet Cleaning and Janitorial
- f) **Demolition Services**
American Demolition
- g) **Electrical Contractor Services**
Electric-Tech, Incorporation
Calvi Electric Company
Hughes Electric
- h) **Emergency Sewer Pumps and Equipment**
Municipal Maintenance Company
Godwin
- i) **Excavation and Pipe Installation and/or Replacement**
Seashore Associated Mechanical Incorporation
Ocean Construction
- j) **Flags Banners and Miscellaneous Display Items**
Display Sales
Metropolitan
- k) **Gate Equipment Maintenance and Operations**
Park Place Parking
- l) **Generator Parts and Service**
Genserve
- m) **Hardware Supplies**
Shore True Value
Lawson Products
Val-U Auto Parts
- n) **Heavy Duty Truck Mechanic Services**
Clegg's Garage Incorporation
- o) **Influent Grinders for Sewer Pump Stations**
Municipal Maintenance
Watermark Environmental Systems, Inc.
KRS Services

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- JWC Environmental
- p) **Information Technology and Networking Services**
INSC
All Covered
Mae Tro
- q) **Leaves and Brush Disposal Site**
Atlantic Blueberry Co Inc
- r) **Marketing Services**
Direct Development
Fuerza Strategy Group
Magnum Integrated Marketing
Performance Marketing
Suasion
- s) **Misc. Employee Uniforms**
Action Uniform
- t) **Metal Fabrication and Repair**
Hotfoil-EHS Inc.
Thomas Co Inc
- u) **Plumbing and HVAC Services**
McCloskey Mechanical Contractors Inc
Bilmark
Multi-Temp Mechanical
- v) **Sewer Pump Station Parts & Supplies**
KRS Services
Municipal Maintenance Company
EVOQUA
- w) **Sewer Pump Station Maintenance**
KRS Services
McMloskey Mechanical Contractors Incorporation
Municipal Maintenance Company
CW Sales Corporation
A.C Schultes
West Bay Construction, Incorporation
- x) **Sewer Pump Stations, Electrical & Electronics**
KRS Services
Municipal Maintenance Group
- y) **Sewer System Coating, Lining & Restoration**
The Precision Group
Sewer and Water Evaluation and Rehabilitation Procedures
- z) **Storm Drain Cleaning and Television Inspection**
Mobile Dredging and Video Pipe
- aa) **Recreation Equipment and Installation**
Ben Shaffer Recreation Incorporation

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- Green Lane Contractors
- BSN Sports
- bb) Roofing Repair and Maintenance**
 - Dorothy Gale Roofing
 - East Coast Contracting Roofing and Siding
 - KMR Enterprises Inc
 - Roofmax Exteriors LLC
- cc) Vactor Parts and Service**
 - Vacuum Sales Incorporation
- dd) Video Cleaning and Maintenance**
 - Mobile Dredging and Video Pipe
- ee) Outdoor Farmer’s Market Operations and Management**
 - Rob Hopkins
- ff) Auto Mechanic**
 - Galloway Auto and Tire
- gg) Animal Control Services**
 - Animal Control of Atlantic County
- hh) Signage and Misc Repair**
 - Eastern Signs
 - Copiers Plus
- ii) Environmental / Asbestos Remediation Monitoring Services**
 - Environmental Connection
- jj) Electronic Payment Processing Systems**
 - ParkMobile
 - Windcave
 - Comprise Technologies Inc

Resolution No. 154 of 2023

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill asked for clarification on the location of solar panels.

No. 154 of 2023

Subject: First Amendment – Solar Contract, Installation and Operation of Ground Mounted Solar Photovoltaic Energy System Pursuant to a Solar Power Purchase Agreement

Introduced by: Council President Johnston

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WHEREAS, in accordance with Resolution 140 of 2021, National Energy Partners LLC of Voorhees, New Jersey (DBA as NJ Solar 26 LLC) was awarded the contract for the Installation and Operation of Ground Mounted Solar Photovoltaic Energy System pursuant to a Solar Power Purchase Agreement; and

WHEREAS, during the course of the approval process with the Board of Public Utilities an amendment to the agreement was deemed essential in order for the project to move forward and previously approved by the City Council per Resolution 76 of 2023; and

WHEREAS, the previous amendment required further revision requested by the Contractor National Energy Partners LLC of Voorhees, New Jersey (DBA as NJ Solar 26 LLC); and

WHEREAS, the amendment is necessary to the feasibility of the project to move forward; and

WHEREAS, those changes have resulted in a change of the Solar Power Purchase Agreement as follows:

1. **Section 2.2(b)**. Section 2.2(b) of the Agreement is hereby deleted in its entirety and replaced with the following:

(b) If Host Customer exercises its option under this Section 2.2, Provider shall transfer ownership of and title to the System to Host Customer, including all components thereof and operation manuals, in as-is condition at the time of transfer, and Host Customer shall accept and acquire the System from Provider upon payment of the greater of (i) the Fair Market Value of the System, or (ii) the Early Termination Fee. For purposes of this Section 2.2(b), "Fair Market Value" shall mean: (a) the price that would be negotiated in an arm's-length, free market transaction, for cash, between an informed, willing seller and an informed, willing buyer (other than the user currently in possession), neither of whom is under compulsion to complete the transaction, for the purchase of the System as removed from the Site at the date of determination, de-installed, packed, crated and ready for shipment to such buyer or, if higher, as installed on the Site; or (b) the price as otherwise determined by the mutual agreement of the Parties. If unable to agree, the Parties shall select a nationally recognized independent appraiser with experience and expertise in the solar photovoltaic industry to value the System; such valuation to be binding absent fraud or manifest error. The costs of the appraisal shall be borne equally by the Parties. If the Parties are unable to agree on the selection of an appraiser, such appraiser shall be selected by the two proposed appraiser firms.

2. **Section 7.2(d)(i)**. The first sentence of Section 7.2(d)(i) of the Agreement is hereby deleted in its entirety and replaced with the following: "Host Customer hereby grants to Provider an irrevocable license, coterminous with the Term, containing all the rights necessary for Provider to use and occupy the Premises for the installation, operation, maintenance, and removal of the System pursuant to the terms of this Agreement, including ingress and egress rights to and from the Premises for Provider and its employees, contractors, subcontractors, agents, and assigns, and

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access to and use of electrical panels and conduits to interconnect or disconnect the System with the Premises’ electrical wiring.”

3. Schedule 1.

a. The Solar System Size row shall be deleted in its entirety and replaced with the following:

Solar System Size: 162,000 W (DC) (this is an estimate (and not a guarantee) of the System size; Provider may update the System Size prior to the Commercial Operation Date.)

b. The System and Site Diagram contained in Schedule 1 of the Agreement is hereby deleted in its entirety and replaced with the System and Site Diagram attached hereto and incorporated herein.

4. **Schedule 2.** Schedule 2 of the PPA shall be deleted and replaced in its entirety with The kWh Rate with respect to the System under the Agreement shall be in accordance with the following schedule:

Year of System Term	kWh Rate (\$/kWh)
1	\$ 0.0875
2	\$ 0.0897
3	\$ 0.0919
4	\$ 0.0942
5	\$ 0.0966
6	\$ 0.0990
7	\$ 0.1015
8	\$ 0.1040
9	\$ 0.1066
10	\$ 0.1093
11	\$ 0.1120
12	\$ 0.1148
13	\$ 0.1177
14	\$ 0.1206
15	\$ 0.1236

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point approves the amendment to the contract for the Installation and Operation of Ground Mounted Solar Photovoltaic Energy System pursuant to a Solar Power Purchase Agreement and that the Mayor and/or Business Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 155 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan asked Solicitor Smith what his level of involvement should be, to which Solicitor Smith responded that this is for informational purposes, and he does not see a problem with Council Members McGuigan and Dill being involvement at this time.

No. 155 of 2023

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

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 22, 2023, during a public meeting to be held commencing at 7:00 P.M; and

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

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 status of litigation involving the City and its Police Department entitled, “Steven Hance v City of Absecon, et al,” having a docket number of ATL-L-896-23.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.

Resolution No. 156 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

City Clerk Samuelsen stated that there are documents still needed, therefore, if City Council were to approve this Resolution, it would need to be contingent on the receipt of the proof of permit from the New Jersey Division of Fire Safety, a Certificate of Insurance, and a Hold Harmless Agreement.

No. 156 of 2023

Subject: Resolution Approving Issuance of a Permit to Present a Fireworks Display on the Premises of Greate Bay Country Club on July 15, 2023

Sponsored by: Council President Johnston

WHEREAS, an application has been submitted on behalf of Greate Bay Country Club to conduct a pyrotechnic fireworks display on their property situated at 901 Mays Landing Road, Somers Point, New Jersey, at a location more specifically described within the application filed by Pyrotecnico Fireworks, Inc.; and

WHEREAS, the fireworks display is scheduled to be held on July 15, 2023, commencing at 9:30 pm for an estimated duration of fifteen (15) minutes; and

WHEREAS, the fireworks display shall be conducted by Pyrotecnico Fireworks, Inc., having its principal office at 299 Wilson Road, new Castle, PA, 16103; and

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WHEREAS, Pyrotecnico Fireworks, Inc., is a U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives licensed Importer of Explosives, License Number 8-PA-073-23-4J-12122, a licensed US Department of Transportation Hazardous Materials Carrier, DOT #526749, and New Jersey Permit to Use Explosive License #003309; and

WHEREAS, the New Jersey Uniform Fire Code requires that the governing body of the municipality approve by resolution, said fireworks display, prior to the issuance of a permit by N.J. Division of Fire Safety and N.J. Fire Marshal (*N.J.A.C. 5:70 et seq.*); and

WHEREAS, the City Administrator has communicated with Fire Chief Michael R. Sweeney of the Somers Point Volunteer Fire Company which has consented to provide fire protection as required, with the Medical Emergency Services to arrange for emergency medical services as required, and with Chief of Police Robert Somers who has reviewed the application and the portion of the premises where the discharge is to take place; and

WHEREAS, appropriate notices have been or shall be provided to the US Department of Transportation and the Federal Aviation Administration; and

WHEREAS, Pyrotecnico Fireworks, Inc., has provided proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code (*N.J.A.C. 5:70 et seq.*); and

WHEREAS, the Somers Point Municipal Code Section 117-9 provides that no person shall possess, discharge, set off, fire or light any roman candle, carbide cannon, dynamite cap, rocket, firecracker or other fireworks within the limits of or into the limits of the City of Somers Point unless such person shall be in possession of a valid permit issued by the Mayor of the City of Somers Point in compliance with the requirements of Chapter [143](#), Section [143-1](#), of the Somers Point Code; and

WHEREAS, the Somers Point Fire Chief, the Somers Point Chief of Police and the City's Insurance Fund Commissioner have reviewed the application for permit, insurance requirements and all other applicable regulations and have found all to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Somers Point that this resolution is adopted and that a permit may be granted for a fireworks display on the specified premises of Greate Bay Country Club on July 15, 2023, on the time specified within the application, and without any rain date.

BE IT FURTHER RESOLVED that, Pyrotecnico Fireworks, Inc., shall as a condition of this approval and in compliance with N.J.S.A. 21:3-5, post with the City Clerk a surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents, employees or subcontractors. Such surety shall run to the municipality in which the license is granted, and shall be for the use and benefit of any person, persons, or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns; and

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BE IT FURTHER RESOLVED that in compliance with N.J.S.A. 21:3-6, a duplicate copy of the application, this Resolution, and the Permit shall be forwarded to the Office of Safety Compliance in the Department of Labor by the City Clerk, and such copies shall be kept on file in the Department, subject to public inspection.

Resolution No. 157 of 2023

M/S- McCarrie/Dill

This resolution was adopted by a majority vote of those present, with Council Member McGuigan voting against.

No. 157 of 2023

Subject: A Resolution Authorizing the City Solicitor to Formally Request of the Planning Board to Provide Preliminary Recommendations Relative to the Licensing of Cannabis Retail and Distribution Operations in Somers Point.

Introduced By: Council Members Bruno, McCarrie, & DePamphilis

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older, established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations; and

WHEREAS, the Act, which established six marketplace classes of licensed businesses, included language which authorized municipalities by ordinance to adopt regulations governing the number of cannabis establishments distributors or delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors, or delivery services; and

WHEREAS, the Act authorized municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Act stipulated that any municipal regulation or prohibition was required to be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021, and the failure to do so meant that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items was to be a permitted uses in all industrial zones, and the retail selling of cannabis items to consumers was to be a conditional use in all commercial and retail zones; and

WHEREAS, the City Council of the City of Somers Point, by way of enactment of Ordinance 8 of 2021, determined that then uncertainties regarding the potential future impacts of allowing one or more classes of cannabis business in the City of Somers Point made it necessary

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and appropriate to amend the City’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the City of Somers Point; and

WHEREAS, subsequent thereto, City Council formed a committee to review the potential impact of allowing a cannabis business operation within the City; and

WHEREAS, said cannabis committee has met and made recommendations to City Council, which have then been discussed at open, public meetings of Council; and

WHEREAS, the cannabis committee has been working on a potential ordinance which would allow certain cannabis business operations within the City; and

WHEREAS, City Council, as a result of the aforesaid recommendations and discussions, and in anticipation of the introduction of an ordinance allowing the licensing of certain cannabis business operations in the City, now believes that it is appropriate to have the Planning Board review and provide preliminary recommendations relative to the licensing of cannabis operations in the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the City Solicitor, Thomas G. Smith, Esquire, is hereby directed to make a written request of the Planning Board of the City of Somers Point that it review and provide recommendations relative to the licensing of cannabis retail and distribution operations in the City of Somers Point.

Consent Agenda Resolutions:

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

No. 158 of 2023

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, 2024:

0121-31-022-001	Roberts Johnson Post 2189 VFW
0121-31-020-002	American Legion Clark Eliason Post 352
0121-33-004-008	Point Pub of NJ, Inc. (Passion Vines)
0121-33-015-010	GMH Restaurant Enterprises, LLC (The Point)
0121-44-006-003	Circle Liquor Store, Inc.
0121-33-005-004	Charlie’s, Inc.
0121-33-014-009	Josie Kelly’s, LLC
0121-33-012-009	SSD Diner, LLC (Windjammer)

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0121-33-013-003	Joe's Circle Café (DiOrio's)
0121-33-010-002	Gregory Hotel, 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
0121-33-019-017	939 Bay Avenue, LLC (Beach House Bar & Grill)
0121-33-017-008	RA Ranalli Enterprises, LLC (Tavern on the Bay Resort)
0121-33-002-003	MPF741LLC LLC (Anchorage Tavern)
0121-33-016-011	R2F2, Inc. (Greate Bay Golf and Country Club)
0121-33-011-007	Frog Spring Corporation (Mexiquila formerly Clancy's)
0121-33-003-008	Lost Boys, Inc. (Caroline's)
0121-33-009-004	AMT Holdings, LLC (pocket license formerly The Pearl)
0121-33-018-007	821 Shore, LLC (pocket license formally Ginger's By the

No. 159 of 2023

Subject: Authorizing Advertising Bids for FY 22 Local Aid Infrastructure – Reconstruction of Exton Road, Colwick Drive, and Devon Road

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 reconstruct Exton Road from Bala Drive to Colwick Drive, Colwick Drive from Bala Drive to Ambler Road, and Devon Road from Exton Road to Colwick Drive; 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 reconstruction of Exton Road, Colwick Drive, and Devon Road; 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. 160 of 2023

Subject: Authorizing Advertising Bids for FY 22 Municipal Aid – Reconstruction of Ocean Avenue – Phase I

Introduced By: Council Member Dill

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WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Ocean Avenue from Steelman Avenue to East Atlantic 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 reconstruction of Ocean Avenue from Steelman Avenue to East Atlantic Avenue 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. 161 of 2023

Subject: Authorizing Advertising Bids for 2023 Stormwater System Maintenance

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 receive bids for emergency stormwater system maintenance repairs which may be needed throughout the year; 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 2023 Stormwater System Maintenance; 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. 162 of 2023

Subject: Resolution Establishing Salaries for Non-Contractual Employees of The City of Somers Point for 2023

Introduced by: Council Members Dill, McGuigan and McCarrie

WHEREAS, the Governing Body of the City of Somers Point passed Ordinance No. 12 of 2023 on June 8, 2023; and

WHEREAS, Ordinance No. 12 of 2023 established salary ranges for City employees; and

WHEREAS, the Governing Body of the City of Somers Point believes it is in the best interest for the City of Somers Point to know the exact salaries of the non-contractual City employees;

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NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Somers Point that the non-contractual employees of the City of Somers Point be compensated at an annual salary in accordance with the list attached hereto.

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**Subject: Rejecting Bids for Pump Station No. 3 Force Main Replacement –
Contract No. 13**

Introduced by: Council Member Dill

WHEREAS, on May 4, 2023, the City of Somers Point received bids for Pump Station No. 3 Force Main Replacement – Contract No. 13; and

WHEREAS, based off an analysis of the bids received, the Engineer’s cost estimate, and available funding, the Sewer City Engineer has recommended that the City reject all bids and rebid the project;

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

All bids received for Pump Station No. 3 Force Main Replacement – Contract No. 13

2.) are formally rejected.

3.) The City Engineer is authorized to rebid the project reducing the project scope.

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:

- Approval of Social Affair Permit for Christ Episcopal Church for 10/14/2023 from 5 p.m. to 10 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 22, 2023**

Discussion of Bills:

Administrator Frost reported a Bill List dated 6/20/2023 in the amount of \$518,122.93, a Record of Payment dated 6/20/2023 in the amount of \$31,381.21, and an emergency Record of Payment dated 6/21/2023 in the amount of \$52,549.08.

Public Portion:

The meeting was duly opened to the public.

Bob Protesto of 108 Woodland Avenue shared his discontentment with the potential opening of a cannabis retail store and dispensary.

Hearing nothing 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:

Council Member McGuigan reminded everyone to not lose sight of the trauma that victims' families and the first responders face when dealing with severe accidents.

Mayor Glasser agreed with Council Member McGuigan and added that the Police Chaplain, Louis Stragala offered his services to not only the First Responders, but the businesses in the area of the recent accident.

Council Member Owen is hopeful that the weather will hold up for the Beach Concert on Friday, June 23rd as well as Art in the Park and the farmer's market on June 24, 2023.

Council President Johnston announced that the new Hallmark store will be having a ribbon cutting ceremony on June 30, 2023, at 10 a.m. and all City Council Members are welcome.

**REGULAR MEETING
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Recess:

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

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:19 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Adopted: 7/27/2023