

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2021**

Meeting called to order via ZOOM and in-person at 7:00 p.m. by President Johnston with a salute to the flag.

Roll call was recorded as follows:

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

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, Deputy City Clerk Heath, City Solicitor Thomas Smith and Engineer Greg Schneider

Absent: None

Open Public Meetings Act:

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

Communications:

None

Mayor's Report:

Mayor Glasser thanked and congratulated the Historical Society on their recent event. He encouraged everyone to attend Art in Park, which will be held 6/26 from 10-4 at JFK Park. Mayor Glasser announced the Beach Concerts will begin on 7/2, and there will also be on the 4th of July.

Administrator's Report:

None

Solicitors Report:

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None

Committee Reports:

Council Member McCarrie predicted Art in the Park will have a great turn out with many artists and photographers. He also reported the Recreation Commission is still reviewing possible changes to the Commission.

Council President Johnston reported the Redevelopment Committee has started conversations with Somers Point Village regarding a PILOT program. Police Chief Somers, other members of the Police Department and Administrator Frost met with the owners to review security measures and a timeline to begin improvements. Administrator Frost discussed the financial proposal from the owners of the Apartment complex.

Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Owen and carried to approve the Regular Meeting Minutes of 6/10/2021.

Ordinances:

Ordinance No. 9 of 2021

(Second Reading/Public Hearing/Adoption)

M/S- Owen/Dill

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

Council President Johnston opened the meeting to the public.

Jud Moore of Bay Avenue thanked City Council for a zero-tax increase. He also questioned if both the bond ordinances would raise taxes in the future.

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

ORDINANCE NO. 9 of 2021

**BOND ORDINANCE PROVIDING FOR VARIOUS
IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY
OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW
JERSEY, APPROPRIATING \$1,857,700 THEREFOR AND**

**REGULAR MEETING
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**AUTHORIZING THE ISSUANCE \$1,764,815 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 \$1,857,700 including the sum of \$92,885 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 \$1,764,815 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 Turnout Gear,			

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Breathing Cylinders, Fire Hose, and all attachments and appurtenances applicable thereto.	\$96,700	\$91,865.00	15 years
b.) Acquisition by purchase of a 2 Mowers and a Leaf machine for the Public Works Department including all attachments and appurtenances applicable thereto.	\$120,000	\$114,000	5 years
c.) Acquisition by purchase of Police Department public safety equipment including speed counter sign, camera systems, storage unit, furniture, and computers and all attachments and appurtenances applicable thereto.	\$131,000	\$124,450	15 years
d.) Improvements to municipal facilities including but not limited to installing traffic gates at municipal facilities, storage containers, roof replacement and repair at City Hall, the Construction Department, and Public Works Facilities; replace the HVAC at the Construction Office; together with all materials and work necessary therefore, and incidental thereto, including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits, and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.	\$400,000	\$380,000	15 years
e.) Acquisition by purchase of computers, radios, and software upgrades for the Office of Emergency Management and including all attachments and appurtenances applicable thereto.	\$5,000	\$4,750	7 years

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f.) Improvements to various recreational facilities in the City including playground equipment upgrades together with all materials and work necessary therefore and incidental thereto, including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.

	\$75,000	\$71,250	15 years
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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 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>\$1,030,000</u>	<u>\$978,500</u>	10 years
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TOTAL	<u>\$1,857,700</u>	<u>\$1,764,815</u>	<u>10.05 Years</u>
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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 10.05 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 \$1,764,815 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$360,000 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

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The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

SECTION 11. Ratification of Prior Acts

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

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. 10 of 2021

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

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

Council President Johnston opened the meeting to the public.

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

ORDINANCE NO. 10 OF 2021

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 \$1,321,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,321,750 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

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

SECTION 1. Appropriation for Projects-Down Payment

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,321,750. 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 \$1,321,750 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:

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Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,256,750	\$1,256,750	40 years
b.) GIS mapping of the sewer system together with all appurtenances and attachments necessary therefore and incidental thereto.	<u>\$65,000</u>	<u>\$65,000</u>	5 years
Total	<u>\$1,321,750</u>	<u>\$1,321,750</u>	38.28 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.

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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 38.28 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 \$1,321,750, 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 \$270,000 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.

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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.

Resolutions:

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Clerk Samuelsen read by title only the list of resolutions.

Public Portion Resolutions:

Council President Johnston opened the meeting to the public.

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

Resolution No. 123 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 123 of 2021

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, 2022:

0121-33-002-003	RJM Enterprises, Inc. (Anchorage)
0121-33-003-008	Lost Boys, Inc. (Caroline's)
0121-33-004-007	Point Pub of NJ, Inc. (Passion Vines)
0121-33-005-004	Charlie's, Inc.
0121-44-006-003	Circle Liquor Store, Inc.
0121-33-011-007	Clancy's by the Bay, Inc.
0121-33-012-009	SSD Diner, LLC (Windjammer)
0121-33-015-010	GMH Restaurant Enterprises, LLC (The Point)
0121-33-016-010	Plantation Bay Resort and Country Club, LLC(Greate Bay)
0121-33-017-008	RA Ranalli Enterprises, LLC (Yacht Club)
0121-33-018-005	Gingers on the Bay, LLC (pocket)
0121-33-019-017	939 Bay Avenue, LLC (Beach House Bar and Grill)
0121-31-024-001	Somers Point Volunteer Fire Company No. 2

Resolution No. 124 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

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No. 124 of 2021

Subject: Authorizing Executive Session
Sponsored 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 Special COAH Counsel 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 24, 2021 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 communication regarding the compliance procedures to be utilized in accordance with orders of the New Jersey Superior Court entered in “In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15”; discussion of affordable housing obligation AH-2 Zone, and compliance with and the April 26, 2018, Court approved Settlement Agreement between the City and Fair Share Housing Center.

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 50 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;

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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	Action by City Council and any required Court approval.

Resolution No. 125 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

On the direction of Solicitor Smith, and by a motion of Council Member Dill, and seconded of Council Member Owen to amend the Resolution in the fifth paragraph from “the Auditor of the City of Somers Point, has recommended...” to “the Auditor of the City of Somers Point, has suggested...”

No. 125 of 2021

Subject: Mandating Direct Deposit of Net Pay for All Employees of the City of Somers Point

Introduced by: Council President Janice Johnston, Councilman McGuigan, Councilman McCarrie

WHEREAS, since its effective date of July 1, 2014, N.J.S.A. 52:14-15f has allowed the governing body of a municipality to determine by the adoption of a resolution or ordinance, as appropriate, to provide for the mandatory direct deposit of net pay for all employees of a municipality; and

WHEREAS, the City of Somers Point has previously offered to its employees the election having their net pay directly deposited to a banking institution of their choice; and

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WHEREAS, the direct deposit of paychecks has become an acceptable manner of handling payroll for businesses, as well as public entities; and

WHEREAS, the direct deposit of employees' pay will reduce employee time and costs relative to the issuance of hardcopy paychecks; and

WHEREAS, the Auditor of the City of Somers Point, has suggested the enactment of a resolution or ordinance mandating such direct deposit of the pay for the City's employees; and

WHEREAS, the aforesaid statute specifically allows for exceptions to be made to the mandatory direct deposit by a municipality; and

WHEREAS, this Governing Body recognizes the usefulness and cost savings associated with a mandatory direct deposit policy for the City's employees.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that effective September 1, 2021, all pay for City employees, unless excepted out by the City Administrator upon a request by an employee, shall be made by direct deposit to a banking institution of the employees' choice.

BE IT FURTHER RESOLVED that the City's Chief Financial Officer shall take all such steps to effectuate this mandatory direct deposit policy.

BE IT FURTHER RESOLVED that this mandatory direct deposit policy shall remain in effect until such time as further modified or rescinded the Common Council of Somers Point.

Resolution No. 126 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 126 of 2021

Subject: Authorizing Participation in the NASPO Value Point Purchasing Cooperative

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 52:34-6.2 permits contracting units to participate in nationally recognized purchasing cooperatives; and

WHEREAS, NASPO Value Point is a nationally recognized purchasing cooperative that has acted as the lead agency and awarded contracts for various goods and services; and

WHEREAS, the City of Somers Point has historically been a participant in the NASPO Value Point Purchasing Cooperative; and

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WHEREAS, participation in the updated NASPO Value Point Agreement #MA152 will provide the City with greater purchasing flexibility, opportunities to achieve cost savings, and a reduction in administrative expenses; and

WHEREAS, in order to participate in the NASPO Value Point Purchasing Cooperative it is necessary for the City to enter into an Interlocal Contract for Cooperative Purchasing.

NOW, THEREFORE BE IT RESOLVED that, pursuant to the provisions of N.J.S.A. 52:34-6.2, the City Administrator is hereby authorized to enter into a Contract for Cooperative Purchasing with NASPO Value Point Purchasing Cooperative, a copy of which is attached hereto and made a part hereof.

Resolution No. 127 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present with Council Members McGuigan and Dill recusing.

Mayor Glasser stated he is happy the event is back on schedule.

Council President Johnston thanked the Committee for their hard work.

No. 127 of 2021

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

Sponsored by: Council President Johnston

WHEREAS, The Good Old Days Festival has for many years been a mainstay of the Somers Point celebration and entertainment calendar; 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 501 (c) (3) not for profit entity which organizes the event has for economic reasons requested a waiver from the insurance requirements and has 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 Kern Foundation, 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, Automobile Liability and Dram Shop Coverage, 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

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June 24, 2021**

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 Kern Foundation 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 long-time 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 11th, 2021.

Resolution No. 128 of 2021

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Member Dill stated his concern regarding that the City obtain an indemnification and be covered for liabilities for things such as vendors, electronic companies, and performers to protect the City of Somers Point. City Council, City Clerk and City Solicitor discussed insurance needs, requirements and past practices. This resolution will formalize the Beach Concerts as a City event.

Council Member McCarrie mentioned there is no alcohol permitted at the beach.

Council Member Dill mentioned no alcohol will be strictly enforced and would like this information to be conspicuously posted at the beach entrances.

No. 128 of 2021

Approving the Somers Point Beach Concert Series as a City Event

WHEREAS, the Beach Concert Series has for many years been a mainstay of the summer entertainment schedule in Somers Point; 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 Beach Concert Series has been exclusively a City function managed by a subcommittee of the Recreation Commission with the support of Somers Point Community Education Recreation (CER) staff in the past and with the support of the City's Recreation Director moving forward, along with the Department of Public Works and the Police Department;
and

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WHEREAS, this concert series has for many years been enjoyed by our residents and others and has been a great source of pride for the community; and

WHEREAS, this Governing Body desires to support this worthwhile event; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Beach Concert Series is a City event and therefore will be presented and conducted in accordance with all requirements of the Joint Insurance Fund, the City's Risk Manager, the City's Administrator, and in compliance with all other rules and regulations of the Recreation Commission obtaining all other required permits.

Old Business:

None

New Business:

- City Engineer, Greg Schneider, presented an overview of a ZOOM call for an NJ Impact Study on Flood Zones that he and Council President Johnston recently joined with the Department of Environmental Protection (DEP) and several other Atlantic County communities. The DEP is proposing new guidelines regarding flood inundation risk zones based off a study from Rutgers University predicating that by year 2100, sea level will rise five feet. City Council requested Engineer Schneider to keep them informed and updated and advise them of any recommendations he has regarding the subject.
- City Engineer, Greg Schneider, reported at the Steering Committee Meeting, Economic Development Advisory Commission has requested sharrows, which are painted markings on the street to make motorists aware of bicycles, be installed along Bethel Road. City Council concurred to move forward.

Somers Point Fire Co. No. 1 Coin Drop on Friday, 6/25/2021, from 12 pm-8 pm, Saturday, 6/26/2021, 8 am-8pm and Sunday, 6/27/2021, 8 am- 8 pm at Rt. 9 and Rt. 52 was unanimously approved.

Discussion of Bills:

Administrator Frost reported a Bill List dated 6/22/2021 in the amount of \$2,412,115.68.

Special Presentation:

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Sean Scarborough gave a presentation to City Council regarding a project he is proposing; called Somers Point Paddle Club. There are two other clubs, one in Cape May and one in Brigantine. He has requested City Council deem this area a redevelopment zone in order to make this project possible. The club would be a restaurant with pools available for use by members. Memberships would first be available to Somers Point residents, then would open to other areas. City Council concurred with the project moving forward.

Public Portion:

The meeting was duly opened to the public.

Daniel Meyers of 429 Shore Road requested that City Council continue to put the meetings on ZOOM. He also requested that City Council listen and take the issue of sea level rise seriously as it is an important issue.

Natalie Bailey of 825 Bay Avenue requested City Council meetings continue on ZOOM. She also questioned what Boards or Commission the plans for the Somers Point Paddle Club would need to appear at and stated her concern for developments on Bay Avenue that will cause noise for the residents. She also asked if the noise level of the beach concerts will be monitored.

Council Member Bruno stated she would like City Council meetings to continue on ZOOM.

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.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:43 p.m.

Reconvene:

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

Adjournment:

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There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 9:01 p.m.

Submitted by:

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 7/22/2021