

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 27, 2024**

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

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

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

Absent: Mayor Tapp

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.

Communications:

None

Mayor’s Report:

None

Administrator’s Report:

None

Solicitor’s Report:

City Solicitor Smith discussed with City Council the details of an application for a five-year tax abatement on a new construction of a residential property. In addition, going forward, City Council agreed that future tax abatement applications should go before City Council for them to vote on. Council President Johnston indicated that the tax abatement application process should be discussed further within the appropriate committee. City Council voted and did not approve this tax abatement application, the straw vote is recorded as follows:

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- Dill: No
- Haberkorn: No
- DePamphilis: No
- McGuigan: Yes
- Owen: No
- McCarrie: Yes
- Johnston: No

Engineer’s Report:

City Engineer Schneider reported that for fiscal year 2024, an application was submitted to the New Jersey Department of Transportation for Ambler Road, and he expects to hear back from the NJDOT by September or October.

Committee Reports:

- Art Commission: Council Member Owen informed every one of the upcoming Poetry in the Park and thanked Dawes Avenue Art teacher, Ginny Swift, and Art Commission member Shana Kestrel for the open house held at the Senior Center last Saturday on 6/22, which featured artwork from Dawes Avenue 3rd graders.
- Garden Club: Council Member Haberkorn shared that an article on the Garden Tour was published in the Shore Local and thanked all the volunteers for their dedication.
- Environmental Development Advisory Commission: Council Member Haberkorn communicated that new signage will be displayed at the Somers Point Beach showcasing “Do You Love Somers Point” in hopes of attracting more people to sign up for event updates. Furthermore, he mentioned that they received an update on the Farmer’s Market from Mr. Hopkins.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 6/13/2024 and Executive Session Meeting minutes of 6/13/2024, approved as to content only.

Ordinances:

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Ordinance No. 4 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

This ordinance was adopted by an affirmative vote of those present with Council Member Haberkorn opposed.

Council President Johnston duly opened the meeting to the public.

Keith Davis, of Nehmad Davis & Goldstein, on behalf of R2F2 INC., detailed the plans for this street vacation.

Council Member Haberkorn asked Mr. Davis for clarification on the development improvements, the Homeowners Association and the use of an escrow account.

Council Member McGuigan inquired about the status of the project design and the need for an executed Hold Harmless/Indemnification.

Mrs. Karpf requested distance specifications between her home and the vacated street.

Richard Karpf expressed his concerns for vandalism and traffic regulations.

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

No. 4 of 2024

(Amended)

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

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

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

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

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

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

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3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. The City Engineer has confirmed that the portion of the right-of-way proposed to be vacated is sixty-two and six tenths feet (62.6') in width.
6. Although the general rule is that whenever a right-of-way is vacated, the vacated area reverts back equally to the owners of the adjoining properties, when the right-of-way was totally on one party's lands, the entire vacated area reverts back to the successor in title to the original owner.
7. The City Engineer has reviewed documentation provided on behalf of 901 Mays Landing Road, Inc., which demonstrates to his satisfaction that the Area to be Vacated was originally granted to the City by a predecessor in title to 901 Mays Landing Road, LLC.
8. The property abutting the Area to be Vacated, to which the title to the right-of-way will revert upon vacation, is a portion of Block 1946, Lot 1, and which is currently owned by 901 Mays Landing Road, Inc.

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

SECTION 1. A PORTION OF A PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

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

SECTION 2. DESCRIPTION OF THE AREA TO BE VACATED:

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

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

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

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B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by certified mail / RRR by the City Clerk to the record owners of:

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

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

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

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

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

Atlantic City Electric Real Estate Department
5100 Harding Highway, Suite 399
Mays Landing, NJ 08330-9902
Public Service Electric and Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

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

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

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

SECTION 5. INDEMNIFICATION AND DEFENSE

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

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

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

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

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

SECTION 8. AMENDMENT TO DEEDS OF EASEMENT AND OF DEDICATION

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

SECTION 9. REPEALER CLAUSE.

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

SECTION 10. EFFECTIVE DATE.

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

Ordinance No. 14 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Haberkorn

This 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. 14 of 2024

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$3,150,000 THEREFORE AND AUTHORIZING THE ISSUANCE \$2,992,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

SECTION 1. Appropriation for Projects-Down Payment

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$3,150,000 including the sum of \$158,000 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,992,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Projects

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

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<p>d.) Improvements to Municipal Facilities, including but not limited to Marina Upgrades and Maintenance, Sustainable Communities, Beach Facility Improvements, Redecking of Beach Pier, Heating/Cooling, Construction Office Roof Replacement, JFK Ramp Improvements, Fuel Pump Upgrade, (2) Gate Kiosk Upgrades and Card Reader System, and City Hall Exterior Stairs Project; together with all materials and work necessary therefore, and incidental thereto, including without limitation and all attachments and appurtenances applicable thereto.</p>	\$283,500	\$269,300	1.35 years
<p>e.) Improvements to City's Recreational Facilities, including without limitation hockey court upgrade and improvements together with all materials, equipment and work necessary therefore and incidental thereto.</p>	\$85,000	\$80,700	.405 years
<p>f.) Acquisition by purchase of Public Computer for Tax Collection Office and all appurtenances applicable thereto.</p>	\$7,000	\$6,650	.027 years
<p>g.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and</p>			

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

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

SECTION 4. Issuance of Notes

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

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6. Additional Matters

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

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- (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 weighted average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10.87 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,992,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$315,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7. Application of Grants

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

SECTION 8. Full Faith and Credit

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

SECTION 9. Official Intent to Reimburse Expenditures

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

SECTION 10. Tax Covenants

The City hereby covenants as follows:

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(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. 15 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Haberkorn

This 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. 15 OF 2024

**BOND ORDINANCE PROVIDING FOR VARIOUS
SEWER UTILITY CAPITAL IMPROVEMENTS IN
AND BY THE CITY OF SOMERS POINT, IN THE
COUNTY OF ATLANTIC, NEW JERSEY,
APPROPRIATING \$1,510,000 THEREFORE AND
AUTHORIZING THE ISSUANCE OF \$1,510,000**

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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 \$1,510,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,510,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Project

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

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
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a.) Construction of Various Improvements to the City Sewer Utility, including without limitation improvements to Station No. 4 and new Defeo Lane Garage, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and

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construction inspection and administration.	\$1,400,000	\$1,400,000	40 years
b.) Purchase of Vehicles and Equipment, including without limitation a Replacement Service Truck and Muffin Monster Exchange Rotation.	\$110,000	\$110,000	15 years
TOTAL	<u>\$1,510,000</u>	<u>\$1,510,000</u>	37.09 years

SECTION 4. Issuance of Notes

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

SECTION 5. Capital Budget

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

SECTION 6. Additional Matters

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 37.09 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes

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provided for in this bond ordinance by \$1,510,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$302,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

SECTION 7. Ratification of Prior Actions

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

SECTION 8. Application of Grants

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

SECTION 9. Full Faith and Credit

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

SECTION 10. Official Intent to Reimburse Expenditures

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

SECTION 11. Inconsistencies

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

SECTION 12. Effective Date

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 27, 2024**

Ordinance No. 16 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Owen/Dill

This 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.

Council President Johnston clarified this ordinance.

No. 16 of 2024

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

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

SECTION 1. FULL TIME EMPLOYEES

(for full year)

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

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Confidential Secretary to the Police Chief	28,000	46,484
Construction Official	40,000	65,000
Construction & Code Enforcement Secretary with Technical Assistant to the Construction Official Certification	28,000	36,825
Court Administrator	40,000	44,502
Dept. of Public Works Worker	40,000	71,750
Department of Public Works Work Leader	40,000	78,313
Deputy City Clerk/Deputy Registrar	40,000	86,738
Deputy Court Administrator	35,000	62,457
Deputy Joint Insurance Fund Commissioner	28,000	63,297
Deputy Tax Collector	600	1,500
Dispatcher	28,000	62,548
Joint Insurance Fund Commissioner	35,250	79,110
Police Patrol Officer	1,200	2,500
Police Sergeant	42,971	107,647
Police Lieutenant	113,146	118,874
Police Captain	138,324	140,984
Police Chief	149,441	152,315
Principal Manager of Public Works	120,000	169,396
Qualified Purchasing Agent	75,000	100,000
Recreation Director	5,000	25,000
Superintendent of Public Works	15,000	42,971
Tax Assessor	80,000	125,522
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	70,000
Wastewater Collection System Operator	45,000	82,955
	5,000	14,804

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

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

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	15,000
Plumbing Sub-Code Official	7,000	15,000
Fire Sub-Code Official	7,000	15,000
Building Sub-Code Official	7,000	15,000
Building Inspector	15.13	30.00
Construction Official	1,000	20,000
Construction Official	15.13	30.00
Housing Inspector	1,000	15,000
Floodplain Manager	1,000	15,000

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Temporary UCC Sub-code Official	per inspection	15.13	30.00
Code Enforcement Officer	per hour	15.13	30.00
Asst. Code Enforcement Officer		7,000	32,000
Asst. Code Enforcement Officer	per hour	15.13	30.00
Zoning Officer	per hour	15.13	80.00
Clerk-Typist	per hour	15.13	30.00
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary			
	per hour	15.13	30.00
<u>Police Department</u>			
Dispatcher	per hour	15.13	30.00
School Traffic Guard	per hour		28.50
Special Officer	per hour	15.13	30.00
Data Processing Clerk	per hour	15.13	30.00
Clerk Typist	per hour	15.13	30.00
<u>Recreation</u>			
Special Events Coordinator		500	1,500
Summer Recreation Coordinator	per hour	15.13	30.00
Recreation Workers	per hour	15.13	40.00
Program Instructor	per hour	15.13	35.00
Lifeguard	per hour	15.13	30.00
Boat Ramp Attendant	per hour	15.13	30.00
<u>Public Works Department</u>			
Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	15.13	30.00
Recycling Coordinator		200	1,800
Public Works/Sanitation Workers	per hour	15.13	30.00
Public Works Secretary	per hour	15.13	30.00
Parking Lot Attendant	per hour	15.13	30.00
Wastewater collection System Operator		5,000	14,804
Custodian	per hour	15.13	30.00
Marina Worker	per hour	15.13	30.00
Marina Supervisor	per hour	15.13	30.00
Marina Supervisor	per day	75.00	100.00
<u>Administration, Finance, Tax Collector, Tax Assessor and Court</u>			
Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		5,000	25,000
City Engineer		5,000	15,000
Clerk Typist	per hour	15.13	30.00
Municipal Alliance Coordinator		500	2,000
Safety Coordinator		1,000	2,500

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Safety Coordinator	per hour	15.13	30.00
Deputy Safety Coordinator		500	2,000
Deputy Safety Coordinator	per hour	15.13	30.00
Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		5,000	25,000
Joint Insurance Fund Commissioner		1,200	2,500
Deputy Joint Insurance Fund Commissioner		600	1,500
Municipal Magistrate		10,000	26,000
Temporary Court Clerk	per court session	60.00	100.00

Bureau of Fire Prevention

Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	15.13	30.00

Fire Department

Fire Chief		Up to	7,000
Deputy Fire Chief		Up to	5,400
Assistant Chief		Up to	3,900
Captain		Up to	3,600
Lieutenant		Up to	3,300
Fire Marshall		Up to	2,500
Fire Marshall	per inspection hour	15.00	30.00
Deputy Fire Marshall		Up to	2,500
Deputy Fire Marshall	per inspection hour	15.00	30.00
Fire Safety Officer		Up to	1,600
Fire Relief		15.00	35.00

Emergency Management

Emergency Management Coordinator		Up to	6,000
Deputy Emergency Management Coordinator		Up to	3,000
Assistant Emergency Management Coordinator		Up to	1,500

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

SECTION 3. REPEALER

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

City Solicitor Smith indicated that the introduction of Ordinance No. 17 of 2024 will take place after Executive Session.

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MAYOR AND CITY COUNCIL
June 27, 2024**

Ordinance No. 18 of 2024
(First Reading/Introduction)

M/S- Dill/Haberkorn

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

City Solicitor Smith referred to the below memorandum from the Planning Board.

MEMORANDUM

To: Mayor and Members of City Council of the City of Somers Point
Thomas Smith, Esquire, City Solicitor
Paul Striefsky, Planning Board Chairman
Joel M. Fleishman, Esquire, Board Solicitor
Amanda Mazzoni, Esquire, Redevelopment Counsel

From: Jayne Meischker, Planning Board Secretary

Re: Planning Board Review of Proposed Redevelopment Plan for AVIA NJ MAYS LANDING, LLC

Date: June 21, 2024

In accordance with N.J.S.A. 40A:12A-7(e), at its regular meeting on June 19, 2024, the Somers Point Planning Board (the "**Board**") conducted the required review of the proposed Redevelopment Plan for AVIA NJ Mays Landing, LLC for the Sonesta Suites property (the "**Redevelopment Plan**") to determine the consistency of the Redevelopment Plan with the City's Master Plan. The Board received the written report of Paul Kates, PE, PP, CME, CFM, a New Jersey licensed professional engineer and planner, dated June 12, 2024. The Board also heard the testimony from both Mr. Kates and Kyle Kavinski, a New Jersey licensed professional engineer who appeared on behalf of the Conditional Redeveloper (as defined in the Redevelopment Plan). Mr. Kavinski explained the limited site improvements that are proposed. Mr. Kates offered his opinion that the Redevelopment Plan is consistent with the City's Master Plan, primarily due to the emphasis on improving an area in need of redevelopment and improving the City of Somers Point.

At the conclusion of this review, a motion was made and seconded to find the Redevelopment Plan consistent with the City's Master Plan without any recommendations. This motion was approved by a vote of 6 in favor and 0 against (one Board Member was absent and 2 members recused).

This Memorandum shall constitute the report of the Board to City Council pursuant to N.J.S.A. 40A:12A-7(e).

No. 18 of 2024

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
900 MAYS LANDING ROAD, DESIGNATED AS BLOCK 200, LOT 3,
IN AN AREA IN NEED OF REHABILITATION WITHIN THE CITY OF
SOMERS POINT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

REGULAR MEETING
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June 27, 2024

Whereas, on November 20, 2014, the City Council of the City of Somers Point (“City Council”) adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an “area in need of rehabilitation” pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding that the entire area of the City of Somers Point be determined to be an “area in need of rehabilitation;” and

Whereas, pursuant to N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law (“LRHL”), a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an “area in need of rehabilitation;” and

Whereas, the Redevelopment Law authorizes, among other things, the rehabilitation of existing improvements and the construction of new improvements; and

Whereas, on May 25, 2023, the City Council adopted Resolution No. 122 of 2023, which designated AVIA NJ Mays Landing, LLC as the Interim Conditional Redeveloper (“Interim Conditional Redeveloper”) for a proposed redevelopment project on certain property located at 900 Mays Landing Road and designated as Block 2020, Lot 3, constituting approximately 4.42 acres (the “Subject Property”) and authorized the execution of a Memorandum of Understanding between the City of Somers Point and the Interim Conditional Redeveloper to explore the feasibility of the potential rehabilitation and/or redevelopment of the Subject Property; and

Whereas, the City of Somers Point and Interim Conditional Redeveloper executed said Memorandum of Understanding on June 1, 2023; and

Whereas, on August 24, 2023, the City Council adopted Resolution No. 197 of 2023 which authorized an extension of the Memorandum of Understanding until February 1, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated August 25, 2023 (“Amendment 1”); and

Whereas, on January 25, 2024, the City Council adopted Resolution No. 61 of 2024 which authorized an extension of the Memorandum of Understanding until July 1, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated January 26, 2024 (“Amendment 2”); and

Whereas, on June 13, 2024, the City Council adopted Resolution No. 158 of 2024 which authorized an extension of the Memorandum of Understanding until September 30, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated June 13, 2024 (“Amendment 3”); and

Whereas, Interim Conditional Redeveloper met with the Redevelopment Committee at various times to present its proposed project, and requested that the City Council negotiate the terms and conditions of a redevelopment plan and a redevelopment agreement; and

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Whereas, the Interim Conditional Redeveloper is the owner of the Subject Property and proposes to repurpose and convert the existing 120-unit Sonesta Suites Extended Stay hotel into a maximum of 116 long-term rental luxury apartments with a minimum of a fifteen percent (15%) affordable component, and to make other on-site improvements (the “Proposed Redevelopment Project”); and

Whereas, a draft Redevelopment Plan for 900 Mays Landing Road dated June 10, 2024 was prepared by Darlene A. Green, PP, AICP, of Colliers Engineering & Design (the “Draft Redevelopment Plan”); and

Whereas, the Draft Redevelopment Plan was reviewed by the City Council members, the City Planner, and the City Engineer; and

Whereas, pursuant to N.J.S.A. 40A:12A-7.e., prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

Whereas pursuant to N.J.S.A. 40A:12A-7.e., on June 13, 2024, by Resolution 132 of 2024, the City Council referred the Draft Redevelopment Plan to the Somers Point Planning Board (“Planning Board”) and requested that the Planning Board consider and review the Draft Redevelopment Plan and make a determination of consistency with the City’s Master Plan and make such other recommendations as it deems appropriate; and

Whereas in accordance with N.J.S.A. 40A:12A-7.e. and N.J.S.A. 40:55D-26, the Planning Board at a regular meeting held on June 19, 2024, reviewed the Draft Redevelopment Plan and determined it to be not inconsistent with the City’s Master Plan; and

Whereas Jayne Meischker, Planning Board Secretary, submitted to the City Council a Memorandum dated June 21, 2024, advising that after review, the Planning Board voted unanimously that the Draft Redevelopment Plan is not inconsistent with the City’s Master Plan, and made no other recommendations; and

Whereas having reviewed the Planning Board’s consistency determination, the City Council concurs with its findings and has determined that it is in the best interest of the City to adopt the Draft Redevelopment Plan to effectuate rehabilitation of the Subject Property.

Now, therefore, it is hereby **ORDAINED** by the Common Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

Section 1. The preceding recitals are incorporated herein as though fully set forth at length.

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Section 2. The City Council hereby adopts the “Redevelopment Plan for 900 Mays Landing Road” for the City of Somers to facilitate the Proposed Redevelopment Project within that portion of the designated rehabilitation area.

Section 3. The Redevelopment Plan for 900 Mays Landing Road shall supersede the existing zoning for Block 2020, Lot 3 and the applicable provisions of the City of Somers Point Development Ordinance, codified at Chapter 114 of the City Code, except as otherwise provided in the Redevelopment Plan for 900 Mays Landing Road.

Section 4. In accordance with N.J.S.A. 40A:12A-7.c., the Zoning Map of the City of Somers Point, adopted by the City of Somers Point Development Ordinance at Section 114-6, be and hereby is amended to designate Block 2020, Lot 3 as subject to the Redevelopment Plan for 900 Mays Landing Road.

Section 5. An executed Redevelopment Agreement with the City of Somers Point shall be required (as a checklist item) as a part of an application submission for site plan approval to the Somers Point Planning Board or as part of any other application for land use approvals.

Section 6. The City Council shall serve as “redevelopment entity” for purposes of implementing the Redevelopment Plan for 900 Mays Landing Road and exercising the powers granted to a redevelopment entity under the LRHL.

Section 7. All City ordinances or parts of any City ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 9. The City Clerk is directed to file a copy of the Redevelopment Plan for 900 Mays Landing Road in the Office of the City Clerk for inspection by the public during normal business hours.

Section 10. This Ordinance shall take effect after final adoption and publication according to law.

Ordinance No. 19 of 2024
(First Reading/Introduction)
M/S- Dill/Owen

REGULAR MEETING MAYOR AND CITY COUNCIL June 27, 2024

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

No. 19 of 2024

An Ordinance Amending Chapter 114, Article XXVII, Section 114-201 - Establishment of Fees and Escrows, of the Code of the City of Somers Point to Include Zoning Permit Fees.

WHEREAS, Section 114-201 of Article XXVII of Chapter 114 of the Code of the City of Somers Point includes the setting of certain fees associated with applications for certain development projects within the City; and

WHEREAS, certain fees were routinely set by City Council by way of Resolution, and as such not identified in Section 114-201; and

WHEREAS, from time-to-time City Council, with input from the Construction Official and Zoning Official reviews the fees as set forth both in the ordinance and by way of resolution; and

WHEREAS, City Council has reviewed certain existing zoning permit fees and believes that certain changes in the fee amounts would be appropriate; and

WHEREAS, City Council also believes that these changes should be incorporated into the Section 114-201 of the Code so that same are more readily accessible to the general public.

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

SECTION 1. The Somers Point Municipal Code Chapter 114 – Development Regulations, Article XXVII - Fees, Section 114-201, Establishment of Fees and Escrows, is hereby amended to include the following subsection:

G. Every applicant for zoning permit shall pay application fees to the City of Somers Point in accordance with the following schedule:

Type of Application	Application Fee
New Home:	\$200
Addition:	\$100
Accessory Building (>100 sf):	\$100
General (Fence, acc. Structures <100 sf, A/C, Generator, Pool, Deck, Patio, Concrete)	\$50
Commercial – New Construction:	\$300
Commercial – Additions	\$200
Commercial – Fence, signs:	\$100

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Certificate of Non-conformity

\$60

Certificate of Land use compliance:

\$60

SECTION 2: All other provisions of Section 114-201 of Article XXVII, Chapter 114, shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

John Helbig asked for clarification on Resolution No. 168 of 2024.

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

Resolution No. 167 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council Member Dill made clear that this grant is received every year.

No. 167 of 2024

Subject: Chapter 159 Resolution – FY 2024 Clean Communities

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when

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such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

WHEREAS, the City of Somers Point has received a grant in the amount of \$36,555.29 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$36,555.29 which item is now available as a revenue from:

Miscellaneous Revenue

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

Public and Private Revenue Offset with Appropriations:

FY2024 Clean Communities \$36,555.29

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$36,555.29 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

FY2024 Clean Communities \$36,555.29

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

Resolution No. 168 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan reiterated how big of a crisis opioids are and believes the City should be given a larger sum.

No. 168 of 2024

Subject: Chapter 159 Resolution – National Opioids Settlement

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

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

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

WHEREAS, the City of Somers Point has received a grant in the amount of \$1882.45 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$1882.45 which item is now available as a revenue from:

Miscellaneous Revenue

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

Public and Private Revenue Offset with Appropriations:

National Opioids Settlement \$1882.45

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$1882.45 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement \$1882.45

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

Resolution No. 169 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 169 of 2024

**Subject: Contact Person for the Employment Practices Liability Attorney
 Consultation Service Atlantic County Municipal Joint Insurance Fund**

Introduced by: Council Member Dill

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

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the FUND has budgeted an annual allowance per member for EPL consulting services and;

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WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline:

NOW THEREFORE, be it resolved that the Governing Body of the City of Somers Point does hereby appoint Jason Frost as its Contact Person.

BE IT FURTHER RESOLVED that the Governing Body does hereby appoint Shelby Heath as additional Contact Persons.

Resolution No. 170 of 2024

M/S- Owen/McGuigan

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan asked for clarification on this resolution.

No. 170 of 2024

Subject: Liquor License Renewals

Introduced by: Council President Johnston

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

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

0121-33-011-009	Frog Spring Corporation
0121-33-018-007	821 Shore LLC
0121-33-014-010	Josie Kellys LLC
0121-33-012-009	SSD Diner LLC

Resolution No. 171 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 171 of 2024

Subject: Full Time Hiring of Caitlin Pereira

Introduced by: Council Members Dill, McGuigan and McCarrie

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

WHEREAS, due to a recent retirement and subsequent employee advancement, the Clerk’s Office has a need to fill a vacant position; and

WHEREAS, the City posted the open position of Confidential Assistant, received numerous applications, and interviewed three candidates after which, Caitlin Pereira was given an offer of employment as a Confidential Assistant in the City Clerk’s Office; and

WHEREAS, Municipal Clerk, Deputy City Clerk, City Administrator, and City Council Personnel Committee have recommended that Caitlin Pereira be hired in a Full Time Capacity as a Confidential Assistant; and

WHEREAS, adequate funds are available within the City Clerk’s Office operations in the 2024 budget for this full-time hiring.

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

1. The hiring of Caitlin Pereira to the full-time position of Confidential Assistant in the City Clerk’s Office, an Unclassified position within New Jersey Civil Service (Local Government Job Specification 06977), is hereby approved effective June 24th, 2024, and her actual start date will be as soon as practical thereafter, but not later than June 24th 2024, unless postponed at the discretion of the City Administrator. Her annual salary is established at \$33,000.00.
2. This is an “at will” employment and is subject to the personnel policies and procedures of the City of Somers Point.

Resolution No. 172 of 2024

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

No. 172 of 2024

Subject: Resolution Authorizing and Supporting Applications for Sustainable Jersey Grants

Introduced by: Council Member McGuigan

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Somers Point strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

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WHEREAS, the City of Somers Point is currently certified and participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability and resilience issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the City Council of the City of Somers Point has determined that the City of Somers Point should apply for the aforementioned grants.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, State of New Jersey, hereby authorizes the submission of the aforementioned Sustainable Jersey Grant applications for funding under the Environmental Stewardship Program.

Resolution No. 173 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 173 of 2024

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSEL REGARDING THE DEPARTMENT OF
TRANSPORTATION’S ACQUIRING CITY PROPERTY**

Introduced by: Council President Johnston

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on May 23, 2024, during a public meeting to be held commencing at 7:00 PM, 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

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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 contractual negotiations relative to the New Jersey Department of Transportation (“NJDOT”) acquiring certain real property owned by the City of Somers Point on Route 9.

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;

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 the New Jersey Department of Transportation (“NJDOT”) acquiring certain real property owned by the City of Somers Point on Route 9.

Resolution No. 174 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 174 of 2024

Subject: Authorizing Advertisement of RFP for Basic Life Support Emergency Medical Service Response and Transportation Services

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Introduced By: Council President Johnston

WHEREAS, it is necessary for the City of Somers Point to perform due diligence in conjunction with the City's Emergency Services and to prepare bid documents for a Proposal for Basic Life Support Emergency Medical Service Response and Transportation Services; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the City Clerk is hereby authorized to advertise for separate sealed RFP's for Proposal for Basic Life Support Emergency Medical Service Response and Transportation Services. RFP's are to be received by the Business Administrator and open and read in public in the Somers Point City Hall, 1 W New Jersey Ave, Somers Point, New Jersey at the date and time established by the City of Somers Point.

Old Business:

- Council President provided City Council with updated Council Committee Assignments.

New Business:

- City Council approved a Social Affair Permit Application for National Multiple Sclerosis Society of New York for an event on 10/3/2024 from 6:00 PM to 10:00 PM at Greate Bay Country Club.

Discussion of Bills:

Administrator Frost reported a Bill List dated 6/25/2024 in the amount of \$197,484.69, a Record of Payment dated 6/24/2024 in the amount of \$1,088.52, an additional Record of Payment dated 6/14/2024 in the amount of \$600.00 and an additional Record of Payment dated 6/14/2024 in the amount of \$1,840.29.

Public Portion:

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

Payment of Bills:

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M/S: Dill/Haberkorn

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

Comments from Governing Body:

Council Member Haberkorn encouraged all to join in on Monday for We Walk Somers Point.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:02 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:07 p.m.

Ordinance No. 17 of 2024

(First Reading/Introduction)

M/S- Dill/Haberkorn

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

No. 17 of 2024

**AN ORDINANCE AUTHORIZING THE CITY OF SOMERS POINT TO ACCEPT A
SUM OF MONEY IN CONNECTION WITH THE STATE OF NEW JERSEY
ACQUIRING CERTAIN PROPERTY ON ROUTE 9 OWNED BY AND LOCATED IN
THE CITY OF SOMERS POINT**

WHEREAS, by of correspondence dated May 13, 2024 (“the Correspondence”), the New Jersey Department of Transportation (NJDOT) notified the City of Somers Point (“City”) of its intent to acquire by Eminent Domain certain property owned by the City located on the westerly side of Route 9 between North Village Drive and Holly Hills Drive (the description and location of the “Property” is hereby set forth in Exhibits “A” and “B” attached hereto); and

WHEREAS, the aforesaid property Correspondence further advised that the Property was being acquired in connection with a planned construction on Route 9 by the NJDOT; and

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WHEREAS, prior to the receipt of the Correspondence, it was not known by representatives of the City that it had any ownership interest in the “Property” which abuts Route 9; and

WHEREAS, NJDOT has offered the sum of \$4,100.00 for taking of the Property; and

WHEREAS, the offer of said sum of money was calculated by an Administrative Determination of Value which was attached to the Correspondence; and

WHEREAS, City Council has reviewed the aforesaid offer made by the NJDOT in connection with the taking of the Property, and believes that sum reflects a fair value for the Property; and

WHEREAS, City Council is desirous of accepting the offer made by the NJDOT.

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

SECTION 1. The aforesaid offer made in the Correspondence, which is attached hereto as Exhibit “C” is hereby accepted by the City.

SECTION 2. The Mayor of Somers Point, and the City’s CFO are hereby authorized to execute any and all documents submitted by the NJDOT which are necessary to effectuate the payment of \$4,100.00 (four thousand one hundred dollars) in connection with the NJDOT’s acquiring the Property.

SECTION 3. This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Adjournment:

There being no further business to come before City Council, Council Member Haberkorn moved, Council Member Dill seconded and carried to adjourn the meeting at 8:08 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 7/11/2024