

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

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

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

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelson, City Solicitor Thomas Smith, and City Engineer Greg Schneider, Solicitor Franklin via phone

Open Public Meetings Act:

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

On the motion of Council Member McGuigan, seconded by Council Member Dill and carried to approve a 48-hour waiver for the agenda.

On the motion of Council Member Dill, seconded by Council Member McCarrie and carried to approve the removal of Resolution 158 of 2022 and the addition of Resolution 166 of 2022 to the agenda.

Open to the Public for Resolution No. 154 of 2022

Council President Johnston duly opened the meeting to the public.

Sally Schmidt Ent conveyed her appreciation for honoring her grandfather. She mentioned she is very proud to be a part of this City and commended the City for honoring Veterans. Councilman McCarrie encouraged everyone to research Oscar Schmidt, Jr.

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

Resolution No. 154 of 2022

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

City Council Member McGuigan expressed his honor being able to participate in voting for the resolution this evening. He noted that Mr. Schmidt was a special man. He congratulated the family and thanked them for attending the meeting. Mayor Glasser recognized many Veterans in attendance. He explained that The Medal of Honor is the award for bravery, and Mr. Schmidt surely went above and beyond the call of duty. On behalf of the City, Mayor Glasser stated the we are honored that his family is present and are able to designate the street. Council Member Owen thanked all the Veterans and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

everyone in attendance. He stated that a memorial will be placed outside of American Legion Post #352 honoring Oscar Schmidt, Jr. Mayor Glasser and Council Member Owen presented the family and the Veterans Advisory Board with the resolution that was met with applause, and a standing ovation. Council President Johnston thanked everyone for attending this special recognition of Mr. Schmidt.

Resolution No. 154 of 2022

**A RESOLUTION RECOGNIZING AND HONORING THE SERVICE AND VALOR OF
OSCAR SCHMIDT, JR., AND DECLARING GIBBS AVENUE, FROM SHORE ROAD
TO BAY AVENUE TO BE HEREAFTER GIVEN THE HONORARY DESIGNATION
OF OSCAR SCHMIDT, JR., WAY**

WHEREAS, the Medal of Honor was introduced by the Navy in 1861, and is the United States government's highest and most prestigious military decoration that may be awarded to recognize American soldiers, sailors, marines, airmen, guardians, and coast guardsmen who have distinguished themselves by acts of valor;

WHEREAS, The Medal of Honor is authorized for any military service member who "distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty – while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;" and

WHEREAS, to date there have been less than 4,000 Medal of Honor recipients who have been recognized for their acts of heroism since it was first introduced by the Navy in 1861; and

WHEREAS, on March 15, 1919, at the Philadelphia Naval Base, U.S. Navy Chief Gunner's Mate, Oscar Schmidt, Jr., was awarded The Medal of Honor for his actions of October 9, 1918 during World War I; and

WHEREAS, Oscar Schmidt, Jr.'s citation of military valor reads as follows:

For gallant conduct and extraordinary heroism while attached to the U.S.S. Chestnut Hill, on the occasion of the explosion and subsequent fire on board the U.S. submarine chaser 219. Schmidt, seeing a man, whose legs were partly blown off, hanging on a line from the bow of the 219, jumped overboard, swam to the sub chaser and carried him from the bow to the stern where a member of the 219's crew helped him land the man on the afterdeck of the submarine. Schmidt then endeavored to pass through the flames amidships to get another man who was seriously burned. This he was unable to do, but when the injured man fell overboard and drifted to the stern of the chaser Schmidt helped him aboard.

WHEREAS, on February 24, 1964, Oscar Schmidt, Jr., with his wife, Louise, purchased a home located at 35 Gibbs Avenue in Somers Point, where he resided until his death on March 24, 1973; and

WHEREAS, Oscar Schmidt, Jr. is buried in Arlington National Cemetery; and

WHEREAS, Somers Point's favorite son, Master Commandant Richard Somers is known as one the greatest U.S. Naval heroes in history; and

WHEREAS, the City of Somers Point has a proud tradition of recognizing the men and women of the City who have honorably served this Country in its military; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

WHEREAS, the City Council of the City of Somers Point wishes to recognize and honor the service and valor demonstrated by Oscar Schmidt, Jr., who later in life chose to become a resident of this City.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Gibbs Avenue, from Shore Road to Bay Avenue, shall hereafter bear the designation "Oscar Schmidt, Jr. Way" in his honor; and It is further **RESOLVED** that street signs shall be placed on Gibbs Avenue bearing that name on behalf of a grateful community so that Oscar Schmidt, Jr.'s name and sacrifice shall always be remembered; and

It is further **RESOLVED** that a certified copy of this Resolution and a memorial Street Sign is hereby presented to the family of Oscar Schmidt, Jr. with sincerest thanks and gratitude for his service to this Country.

Special Presentations:

Timothy McGuire, Esq. addressed the Governing Body regarding vacations of portions of Oak Land and Loveland Avenue. Special City Counsel Franklin was present via speaker phone. Mr. McGuire indicated he is representing Greate Bay Country Club and requesting a vacation of entirety of Oak Lane and Loveland Avenue.

Communications:

None

Mayor's Report:

Mayor Glasser gave kudos to the farmers market that is being held on Saturdays at the Mansion. He mentioned the new USS N.J. Battleship is obtaining a submarine and will name it after N.J. He also reported the crew members will be in the area and will be visiting our Historical Society. Mayor Glasser reported the Police Department will be hosting National Night Out on August 2 from 6-8, which is one of the many great events happening in the City this summer. He also mentioned the Mayor of Hopatcong, N.J. has invited him to come visit the Borough of Glasser to check out the history.

Administrator's Report:

None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Solicitors Report:

Solicitor Smith gave a brief overview of the Ordinances on the agenda for first reading.

Engineers Report:

Engineer Schneider reported the milling on the Atlantic Avenue Phase I project is complete, and the base paving is scheduled to begin. The concrete and Phase II is scheduled for the next three weeks, and the paving for both projects on are track to be completed before school starts with new crosswalks. The 2021 Stormwater Repair project is 90 percent complete with restoration work remaining. He mentioned preconstruction meetings have been held for the 2022 Stormwater Phase I and 2022 Road Program Phase I contracts. There is no start date yet.

Committee Reports:

Council Member McCarrie mentioned the Cannabis Sub-committee consisting of himself and Council Members DePamphilis and Bruno had the first meeting and will continue meet and will report back to Council.

Council Member Owen reported Economic Development will hold their next meeting on 7/25/22 at 6:30 PM at the Gateway Theatre.

Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Bruno and carried to approve the Regular Meeting Minutes of 6/9/2022 and 6/23/2022 and Executive Session Minutes of 6/9/2022 and Special Session Minutes of 7/5/2022.

Ordinances:

Ordinance No. 15 of 2022

M/S- Dill/McCarrie

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

(Second Reading/Public Hearing/Adoption)

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

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

**ORDINANCE NO. 15 OF 2022
AN ORDINANCE AMENDING AND 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, 2022:

**SECTION 1. FULL TIME EMPLOYEES
(for full year)**

Position	From:	To:
Deputy City Clerk/Deputy Registrar	35,000	58,413

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 3. REPEALER

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

Ordinance No. 16 of 2022

M/S- DePamphilis/Dill

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

(Second Reading/Public Hearing/Adoption)

Council Member McGuigan requested the trash pickup times previously discussed will be added the Agreement.

Council President Johnston mentioned she is confident every issue and concern has been discussed at length and addressed.

Counsel James Franklin was present via speaker phone.

Council President Johnston duly opened the meeting to the public.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Glenda Wilms of Chapman Blvd had questions regarding the construction and mentioned she does not support ALDI.

John Edwards of Southview Drive stated his concerns regarding the project.

Sue Seckinger of Southview Drive would like a representative from ALDI to have a meeting with the residents in the area.

Michael Hamilton of Southview Drive mentioned concerns regarding traffic safety at the intersection.

Jim Edwards of Southview Drive mentioned his concerns with drainage in the area.

Steven Nehmad, Esq., appearing on behalf of Provco Partners, owner of the property addressed the public's concerns.

Council Member McGuigan had questions regarding the buffer. He also mentioned there is no hours mentioned regarding the hours of trash collection.

Council Member McCarrie would like to attend the proposed community meetings.

Jim Edwards of Southview Drive mentioned traffic concerns.

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

No. 16 of 2022

**AN ORDINANCE ADOPTING A WEST GROVELAND REDEVELOPMENT PLAN
WITHIN BLOCK 719, LOTS 15, 16 & 17 IN AN AREA IN NEED OF
REHABILITATION WITHIN THE CITY OF SOMERS POINT, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY**

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 the 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

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

Whereas, on August 9, 2021, by Resolution 156 of 2021 the City Council did approve a Memorandum of Understanding between the City of Somers Point and Provco Partners, L.P. and designated Provco Partners, L.P. as the Interim Conditional Redeveloper for developing Block 719, Lots 15, 16, and 17 comprising approximately 2.74 acres, and situated along New Road (Rt. 9) at the intersection with Groveland Avenue within the City of Somers Point (the "Subject Property"); and

Whereas, during a regularly scheduled public meeting on September 9, 2021, Interim Conditional Redeveloper made a presentation to the City Council and the public in attendance, requesting the City Council to negotiate with the Proposed Redeveloper the terms and conditions of a Redevelopment Plan and a Redevelopment Agreement; and

Whereas the proposal presented by the Proposed Redeveloper contemplates the demolition the existing Walgreen's structure, reconfiguration of the site, and construction of an ALDI grocery store consisting of approximately 21,659 SF Building with 102 parking spaces, and 1 loading dock. The Proposed Project will also include a full movement driveway on West Groveland Avenue and a left turn out restriction from the driveway on RT 9. The project consists of a new signalized intersection with RT 9 and West Groveland Avenue along with road widening and dedicated left turn lanes on West Groveland Avenue. The project will also incorporate an on-site drainage system to improve the West Groveland Avenue drainage conditions (the "Proposed Redevelopment Project"); and

Whereas a draft West Groveland Redevelopment Plan dated May 6, 2022 was prepared by J. Timothy Kernan and Kristin J. Russell of Colliers Engineering & Design; and

Whereas the draft West Groveland 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-7e, 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-7e, on May 12, 2022, by Resolution 99 of 2022 the draft West Groveland Redevelopment Plan was referred to the Somers Point Planning Board ("Planning Board") requesting the Planning Board to consider and review the draft Redevelopment Plan for a determination of consistency with the overall intent of the City's Master Plan; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Whereas in accordance with N.J.S.A. 40:55D-26 at a regular meeting of the City of Somers Point Planning Board ("Planning Board") held on June 15, 2022, the Planning Board reviewed the draft West Groveland Redevelopment Plan; and

Whereas on June 16, 2022, Jayne Meischker, Planning Board Secretary submitted to the Somers Point City Council a Memorandum advising that after review, the Planning Board voted unanimously to recommend adoption of the Redevelopment Plan as being consistent with the overall intent of the City's Master Plan; and

Whereas, having reviewed the Planning Board's recommendations the City Council concurs with its findings and has determined that it is in the best interest of the City to adopt the Redevelopment Plan to effectuate redevelopment of the subject Rehabilitation Area; and Now, therefore, it is hereby ORDAINED by the City 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 herein at length.

Section 2. The Council hereby adopts the "West Groveland Redevelopment Plan" for the City of Somers to facilitate the Proposed Redevelopment Project within that portion of the Rehabilitation Area.

Section 3. The area standards set forth in the Redevelopment Plan shall be applicable within the

Plan Area as an overlay to the underlying existing zoning and development regulations, only to an applicant, property owner, developer or redeveloper that has an executed Redevelopment Agreement with the City. An executed Redevelopment Agreement with the City 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 utilizing area standards under the Redevelopment Plan

Section 4. 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 5. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of the Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 6. The City Clerk is directed to file a copy of the West Groveland Redevelopment Plan in the Office of the City Clerk for inspection by the public during normal business hours.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

M/S- Dill/McCarrie

The ordinance was adopted by a unanimous vote of those present.
(First Reading/Introduction)

ORDINANCE NO. 17 of 2022

An Ordinance Amending and Supplementing the Somers Point Municipal Code Chapter 169, Littering and Property Maintenance; Article V, Registration and Inspection of Certain Rental Units, Apartments and Dwelling Unit to Impose Inspection Requirements for Lead Based Paints.

WHEREAS, in July of 2021, Governor Murphy signed into law P.L. 2021, c. 182, which legislation amended the Lead Hazard Assistance Act (N.J.S.A. 52:27D-437.1, et seq.) as same pertains to lead-paint hazards in residential properties; and

WHEREAS, the aforesaid legislation requires municipalities to either perform inspections of certain single-family, two-family and multiple rental dwellings for lead-based hazards, or to permit the dwelling owner or landlord to directly hire a certified lead evaluation contractor; and

WHEREAS, Chapter 169, Article V of the City's Code currently contains ordinances which provide oversight and control of the residential rental units in the City; and

WHEREAS, the City Council is desirous of amending and supplementing these ordinances so as to enact a program requiring inspections on certain rental units to alleviate lead-based paint hazards in certain rentals.

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

1. Chapter 169 of Article V, §169-47 of the Municipal Code entitled "Registration required; registration certificate; license," shall be supplemented to add subparagraphs "H" through "L," which will read as follows:

H. At the time of the filing of the registration certificate referred to in Subsection B, or at the time of any registration amendment due to tenant turnover, every owner shall present to the Code Enforcement Office notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as set forth in Subsection K below. Should the owner fail to provide such a report within thirty (30) days of filing, the City, shall have said inspection performed with the City's cost for same to be assessed against the landlord's rental property as a municipal lien.

I. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022

inspection. The identification of a lead-based hazard will result in the City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

J. If there are no findings of a lead-based hazard in the initial or any subsequent inspection conducted pursuant to the provisions of Subsections H and I above, the lead evaluation inspector or representative of the City shall certify the unit as lead-safe, on a form proscribed by the Department of Community Affairs. This lead-safe certification shall be valid for two years. A copy of this certification shall be provided to the tenants of the unit inspected.

K. Notwithstanding the provisions of Subsection H above, a dwelling unit in a single family, two-family, or rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- (1) has been certified to be free of lead-based paint;
- (2) has previously been inspected, and three years will not have passed before the next required registration of the property and there has not been a tenant turnover since the last inspection;
- (3) was constructed during or after 1978;
- (4) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1 et seq.
- (5) is a single-family or a two-family seasonal rental dwelling which is rented for less than six months during each year by tenants that do not have consecutive lease renewals; or
- (6) has a valid lead-safe certification issued pursuant to Subsection H, above.

L. Pursuant to the provisions of N.J.S.A. 52:27D-437.16, unless a unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20, a fee of \$20 for each inspection per unit shall be paid by the owner at the time of the registration of the unit. Said fee shall be deposited by the City into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

2. Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This ordinance shall take effect upon its final passage and publication as required by law.

Ordinance No. 18 of 2022

M/S- Owem/McCarrie

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

(First Reading/Introduction)

No. 18 of 2022

**AN ORDINANCE REPEALING AND REPLACING ARTICLE V,
CLOTHING ALLOWANCE, OF CHAPTER 29 OF THE CITY CODE
REPLACING SAME WITH A PAY TO RUN PROVISION FOR THE
CITY'S FIRE DEPARTMENT'S FIREFIGHTERS.**

WHEREAS, Article v, Sections 29-24 through 29-26 of Chapter 29 of the City Code provides for a clothing allowance to be paid by the City of Somers Point to the City's Fire Department's eligible firefighters; and

WHEREAS, the City Council, in consultation with the Chiefs of the City's two recognized Fire Companies, has determined that there should be a more equitable manner of compensation and reimbursement for the City's Firefighters who are responding to calls; and

WHEREAS, it has been determined that a method paying firefighters per response to a fire call would be more equitable for the time and expense incurred by said firefighters.

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

2. Chapter 29, Article V of the City of Somers Point Code relative to "Clothing Allowance" is hereby amended by repealing Article V in its entirety, renaming said article and replacing same as follows:

ARTICLE V

Pay-to-Run

§29-24 – General Enactment

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Commencing as of January 1, 2022, the City of Somers Point shall make payments to qualified firefighters from the recognized Fire Companies who respond to fire calls. The enactment of this Article recognizes that payments for fire call responses are being made in lieu of the any clothing allowance previously allowed pursuant to ordinance. No clothing allowance shall be made for service by a firefighter subsequent to December 31, 2021. The payments made herein are subject to the obligations of the City of Somers Point and the City's Fire Department as set forth in Article V, and shall be referred to as "Pay-To-Run" payments.

§29-25 - City's Obligations Relative to Compensation

The City's Obligations under this Article, are as follows:

- A. Subject to sufficient funds being budgeted by City Council, the Administrator shall annually budget certain monies be used to recompense qualified firefighters for time expended and costs incurred in connection with their responding to calls from either of the two recognized Fire Companies of the City of Somers Point.
- B. The budgeted monetary amount for a calendar year shall be maximum dollar amount which the City shall be required to pay out to qualified firefighters for runs in that given year. Upon the depletion of said funds, the City shall have no further obligation of payment to any qualified firefighter under this Article.
- C. By January 30 of each calendar year, the City shall provide each of the recognized Fire Companies the amount which will be paid for each run by a qualified firefighter. The amount to be paid per run each year shall be determined by City Council by way of resolution.
- D. To the extent that any qualified firefighter who may be employed by the City responds to a call during the hours of his/her employment, said firefighter shall not be paid under this Article for any such run.
- E. The allotted monies for each qualified firefighter based on their response to fire calls shall be paid to that firefighter on no more than a quarterly basis.
- F. Nothing contained in Article V shall be construed to create an employment relationship with any firefighter who receives funding under this Article.

§29-26 – Fire Department and Recognized Companies' Obligations for Compensation to be Issued

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

The obligations of the City's Fire Department and its recognized Fire Companies relative to its firefighters receipt of compensation and reimbursement under the City's the Pay to Run program are as follows:

- A. Within fourteen (14) days of enactment of this ordinance, and by January 10 each year thereafter, each of the City's recognized Fire Companies shall provide to the Administrator:
 - (1) Its Companies agreed upon guidelines, rules and regulations which it is using to determine when a fire fighter qualifies to be compensated by the City of Somers Point in connection with responding to fire calls ("qualified firefighter"); and
 - (2) The methodology that each recognized Fire Company will use in order to keep track of the response to fire calls for each of its qualified firefighters.

- B. On a monthly basis, the Chief of each recognized Fire Company shall submit a voucher to the City Administrator which shall contains its record keeping for payment earned by its firefighters. Should there be insufficient monies left in the City's budget to meet a monthly amount due, same shall be provided to all of the City's firefighters on a pro rata basis.

2. Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This ordinance shall take effect upon its final passage and publication as required by law.

Ordinance No. 19 of 2022

M/S- Owen.McCarrie

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

(First Reading/Introduction)

No. 19 of 2022

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

July 21, 2022

**AN ORDINANCE AMENDING ARTICLE III, FIRE APPARATUS
AND EQUIPMENT, SECTION 29-16, GENERAL REQUIREMENTS,
OF CHAPTER 29 OF THE CITY CODE.**

WHEREAS, City Council has repealed and amended Article V, Section 29-24 through Section 29-26, of Chapter 29 of the City Code in order to enact legislation which will allow for payments to be made by the City to volunteer firefighters in connection with their responding to calls; and

WHEREAS, City Council wishes to preserve certain rights previously held under Section 29-26 of the Municipal Code relative to Inspections and Demonstrations; and

WHEREAS, it has been determined that Article III, Fire Apparatus and Equipment, is a more appropriate area of the Code for these rights to be set forth.

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

3. The title of Section 29-16, currently known as “General Requirements,” is hereby amended to be identified as “General Requirements. inspections; demonstrations.”

4. Section 29-16 shall be amended to designate the current language contained therein as subsection “A,” and the following language to be incorporated into same as subsection “B”:

B. The Council, by and through the designated Council representative, shall make quarterly inspections, in the company of the Chief, of all apparatus, equipment, property and records of the City Fire Department and thereupon shall take any corrective action necessary and shall designate a day in each year for public demonstration of apparatus, equipment, property and fire-fighting skills.

3. Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This ordinance shall take effect upon its final passage and publication as required by law.

Resolutions:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Clerk Samuelsen read by title only the list of resolutions.

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of Marks Road had questions regarding Resolution Number 162.

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

Resolution No. 155 of 2022

M/S-Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

155 of 2022

Subject: Chapter 159 Resolution – FY 2022 Clean Communities
Introduced By: Council President Johnston and Councilmembers 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

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 \$28,694.14 and wishes to amend its 2022 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 2022 in the sum of \$28,694.14 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:

FY2022 Clean Communities Grant \$28,694.14

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$28,694.14 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Public and Private Programs Offset by Revenues:

FY2022 Clean Communities Grant \$28,694.14

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

Resolution No. 156 of 2022

M/S- McCarrie/Dill

This resolution was adopted by unanimous vote of those present.

No. 156 of 2022

Subject: Chapter 159 Resolution – FY 2022 Community Capital Needs Grant
Introduced By: Council President Johnston and Council members Dill and McGuigan

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

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 \$154,000 and wishes to amend its 2022 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 2022 in the sum of \$154,000 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:
FY2022 Community Capital Needs Grant \$154,000

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$154,000.14 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:
FY2022 Community Capital Needs Grant \$154,000

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Resolution No. 157 of 2022

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council President Johnston mentioned Council has been working on this project for over two years. She reported the developer on the Pleasant Avenue project agreed to give the City an easement on the property to place the bus shelter on this spot.

No. 157 of 2022

Subject: Requesting Bus Shelter along Shore Road (CR585)
Introduced By: Council President Johnston, Councilmen DePamphilis and Owen

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the governing body of a municipality in New Jersey or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the **City of Somers Point**, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction; and

WHEREAS, the proposed bus shelter is located on Shore Road (CR585); and

WHEREAS, the Atlantic County Board of Commissioners must also pass a Resolution requestion the installation of bus

NOW, THEREFORE, BE IT RESOLVED be it resolved, that the application is hereby made by the City of Somers Point to the New Jersey Transit Corporation for the purchase and installation of **one** bus shelter(s) as set forth in Exhibit A, made a part hereof.

BE IT FURTHER RESOLVED be it resolved that the Mayor and the City Clerk be authorized to execute an agreement or agreements with NJ Transit to arrange for the purchase and installation of the shelters.

Resolution No. 158 of 2022

M/S- **TABLED**

This resolution was adopted by unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF SPECIAL COAH / REDEVELOPMENT COUNSEL
REDEVELOPMENT REHABILITATION OF SOMERS POINT
APARTMENTS AND NEGOTIATION OF THE TERMS AND
CONDITIONS OF A FINANCIAL (PILOT) AGREEMENT**

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 Special COAH / REDEVELOPMENT 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 July 21, 2022, 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.

“(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 status of legal and procedural issues pertaining to redevelopment / rehabilitation of Block 2032, Lots 12.02 and 12.03, including the negotiation of the terms and conditions of a Financial Agreement for a long-term payment in lieu of taxes (PILOT).

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 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;

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

July 21, 2022

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.

Resolution No. 159 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 159 of 2022

A RESOLUTION APPROVING A FIRST AMENDMENT TO A JANUARY 1, 2016 SHARED SERVICES AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY REGARDING MORTGAGEE PROPERTY REGISTRATION OF ABANDONED PROPERTIES AND PROPERTIES IN FORECLOSURE MORTGAGEE PROPERTY AND ENFORCEMENT

Introduced by: Council President Johnston

Whereas The City of Somers Point ("City") and the Atlantic County Improvement Authority ("Authority") entered into a Shared Services Agreement to address the foreclosure crisis, to establish a mortgage registration program for abandoned properties subject to foreclosure, and to assist local code enforcement in identifying the parties responsible to maintain such properties; and

Whereas in January 2021 Governor Murphy signed into law Assembly Bill 2877 amending NJS 40:48- 2 and NJS 2A:50-73 which, among other things, authorized a county or county improvement authority to contract with a private entity to assist in the administration of a property registration program and further affirmed the authority of a county improvement authority to enter into county-wide shared service agreements under the Uniform Shared Services and Consolidation Act; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

July 21, 2022

Whereas the City Council has determined it is in the best interest of the City and our taxpayers to continue the Shared Services Agreement ("SSA") between the City and the Authority; and

Whereas certain amendments must be made to the SSA to reflect changes in the law.

Now, therefore, it is hereby RESOLVED by the Somers Point City Council that the Mayor is hereby authorized to execute and deliver a First amendment to the Shared Services Agreement in the form attached hereto, a copy of which is on file in the office of the City Clerk

Resolution No. 160 of 2022

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council President Johnston mentioned the County has agreed to perform a traffic study on Shore Road from Gull to Ocean Heights Avenues, at the request of the City.

No. 160 of 2022

**Subject: Authorizing Agreement with Atlantic County for a Shore Road
Corridor Study**
Introduced By: Council Members Dill, McGuigan and Owen

WHEREAS it is in the interest of the City of Somers Point to consider the health, safety, and well-being of residents and visitors throughout the City; and

WHEREAS the City recognizes the value of professional analysis in order to recognize trends, challenges, and opportunities within its burgeoning commercial corridors and the city as a whole; and

WHEREAS, due to increases in new commercial development; an expansion of existing businesses; and new residential development, there exists a need for the city to evaluate the Shore Rd Corridor along Shore Road (CR 585), from Ocean Heights Avenue (CR 559) through Goll Avenue; and

WHEREAS, Atlantic County currently owns the right of way of Shore Road (CR 585) in the City of Somers Point and maintains said roadways for vehicular travel between the curb lines thereof; and

WHEREAS, due to this need, the City has requested the County undertake a Corridor Study along Shore Road (CR 585), from Ocean Heights Avenue (CR 559) through Goll Avenue, in an effort to maintain and enhance pedestrian and vehicular safety, the City has requested the County pursue and RFP for a corridor study; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40:41 A-27, the City of Somers Point is authorized to enter into an agreement with the Atlantic County to share in the costs of this study.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

1. The cost for the Shore Rd Corridor Study shall be shared by the County and the City on a 50/50 cost share basis, with the County contributing 50% of the cost to prepare the study, in an amount not to exceed \$32,500.00, and the City contributing 50% of the cost to prepare the study, in an amount not to exceed \$32,500.00.
2. The Mayor is hereby authorized and directed to execute the agreement between Atlantic County and the City of Somers Point in the form attached hereto.
3. Upon its execution, the executed copy of the agreement will be attached hereto and made a part hereof.

Resolution No. 161 of 2022

M/S- Owen/McCarrie

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

No. 161 of 2022

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSLE REGARDING THE STATUS OF
NEGOTIATIONS BETWEEN THE CITY AND THE PBA FOR
THE SUPERIOR OFFICERS**

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 Special COAH / Redevelopment 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 July 21, 2022, 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

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 status of negotiations between the City and the PBA relative the Superior Officers’ contract.

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 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	Action by City Council.

Resolution No. 162 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill confirmed this was a budgeted item for 2022.

No. 162 of 2022

Subject: Full Time Hiring of Rosemary Howell

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Introduced By: Council Members Dill, McGuigan and McCarrie

WHEREAS, due to a previous vacancy it is necessary for the City of Somers Point to consider the hiring of a Clerk 1 in the Construction Office; and

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

WHEREAS, the position was previously advertised and applications received; and

WHEREAS, a review of the applications was completed, and an interview of job applicants was conducted by the City Administrator, Municipal CFO and, the Planning and Zoning Board Secretary; and

WHEREAS, the hired employee has worked in a part-time capacity in the Construction Office for over four months and has received positive feedback from City Employees as well as those utilizing the services of the City Construction Office; and

WHEREAS, the Construction Official, the Planning and Zoning Board Secretary, and the City Administrator recommend the hiring of Rosemary Howell to the full-time position of Clerk 1; and

WHEREAS, adequate funds are available within the City Administration Department operations in the 2022 budget for this full time hiring.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges the hiring of Rosemary Howell to the full-time position of Clerk 1, New Jersey Civil Service Local Government Job Specification 01245, within the Construction Office is hereby approved effective August 1st, 2022. Her annual salary is established at \$33,000.00 and her employment shall be governed by the City of Somers Point Personnel Policies and Procedures.

Resolution No. 163 of 2022

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 163 of 2022

**A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A
MEMORANDUM OF UNDERSTANDING AND AN ESCROW AGREEMENT
BETWEEN THE CITY OF SOMERS POINT AND SOMERS POINT URBAN**

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

July 21, 2022

**RENEWAL PRESERVATION, L.P. FOR THE REDEVELOPMENT /
REHABILITATION OF BLOCK 2032, LOTS 12.02 AND 12.03**

Introduced By: Council President Johnston

WHEREAS SOMERS POINT URBAN RENEWAL PRESERVATION, L.P. (the "Developer") has presented a proposal to redevelop / rehabilitate each of the 225 affordable housing residential rental units within the Somers Point Apartments in Block 2032 , Lots 12.02 and 12.03, including construction of a community center and a state-of-the-art security system, with a projected budget of approximately Eighteen Million Dollars (\$18,000.000) (the "Project"); and

WHEREAS the Project would benefit the health, welfare, and safety of the residents and the community in general; and

WHEREAS the purpose of the Memorandum of Understanding is to permit the City to enter into discussions with the Developer to explore the feasibility of negotiating a Financial Agreement setting forth the terms and conditions of the redevelopment / rehabilitation of the Somers Point apartments including a Long-term PILOT (payment in lieu of taxes) for a term not to exceed a mortgage issued through the New Jersey Housing Finance Mortgage Agency (NJHFMA); and

WHEREAS the purpose of the Escrow Agreement is to provide for deposit of funds into an escrow account to reimburse the City for fees, costs, and expenses incurred by the City and its professionals during the process

Now, therefore, it is hereby **RESOLVED** by this governing body that the Mayor is hereby authorized to execute and deliver the Memorandum of Understanding and an Escrow Agreement between the City and SOMERS POINT URBAN RENEWAL PRESERVATION, L.P., substantially in the forms attached hereto subject to such modifications as may be deemed necessary or desirable by the City Administrator, Chief Financial Officer, and City Solicitor.

It is further **RESOLVED** that the Mayor, Administrator, Clerk, Chief Financial Officer, Attorney, and other appropriate officers, employees, and professionals are hereby authorized and directed to prepare and execute any and all other documents regarding the Memorandum of Understanding and Escrow agreements herein approved and authorized, and to take any and all further acts necessary to accomplish the intended purpose, other than any action or agreement which shall require further action by this governing body.

It is further **RESOLVED** that any Financial Agreement which may be negotiated shall be subject to final approval by ordinance.

Resolution No. 166 of 2022

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 166 of 2022

Subject: AUTHORIZING EXECUTIVE SESSION

Introduced By: Council President Johnston

REGULAR MEETING MAYOR AND CITY COUNCIL

July 21, 2022

Subject: ADVICE OF SPECIAL COAH / REDEVELOPMENT COUNSEL RE REDEVELOPMENT / REHABILITATION OF SOMERS POINT APARTMENTS AND NEGOTIATION OF THE TERMS AND CONDITIONS OF A FINANCIAL (PILOT) AGREEMENT

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 / REDEVELOPMENT 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 March 10, 2022, 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.

"(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 status of legal and procedural issues pertaining to redevelopment / rehabilitation of Block 2032, Lots 12.02 and 12.03, including the negotiation of the terms and conditions of a Financial Agreement for a long-term payment in lieu of taxes (PILOT).

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 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, Action by City Council.

Consent Agenda Resolutions:

Clerk Samuelson read by title only the list of consent agenda resolutions.

No. 164 of 2022

Subject: Authorizing Bike Sale
Sponsored by: Council President Johnston

WHEREAS, the Police Department of the City of Somers Point is presently in possession of certain goods, chattels and other personal property belonging to certain unknown owners; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

WHEREAS, the Police Department of the City of Somers Point has been in possession of said property for more than six (6) months and has been unable to determine the whereabouts of the owners of said property; and

WHEREAS, the City Council of the City of Somers Point is desirous of conducting a public sale for the purpose of exposing for sale said personal property as hereinafter mentioned.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Somers Point, that:

1. The City of Somers Point hereinafter referred to in this Resolution as the “City” shall sell at public sale to the highest bidder on the 17th day of September 2022, at the hour of 10:00 a.m. (preview at 9:00 a.m.), at the Public Works Building, 830 Center Street, Somers Point, New Jersey, as per the attached. Bikes can be inspected between 9:00 am and 10:00 am.
2. The property to be offered in individual lots.
3. The City determines that this sale shall be conducted in accordance with N.J.S.A. 40A:14-157.
4. Public notice of the time and place stating the description of the property to be sold shall be published in the Press of Atlantic City on July 25, 2022.
5. The successful bidder shall submit cash or certified check made payable to the City of Somers Point drawn on a recognized banking institution in an amount equivalent to the full purchase price, said sum to be paid at the time of the offer.
6. It is understood that the City is conducting this sale in accordance with N.J.S.A. 40A:14-157 and makes no representations, warranties or guarantees of any kind with respect to the City’s right, title and interest in and to the property, and is being sold in “as is” condition and no purchaser shall have any rights or remedies against the City.
7. The conditions of this sale shall be binding not only to the successful bidder but also on the heirs, devisees, personal representatives, successors or assigns of any successful bidder.
8. The City reserves the right to reject any and all bids.
9. The City makes no representations, warranties or guarantees of any kind with respect to the property about to be sold.

No. 165 of 2022

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

Sponsored by: Council Members Owen and McCarrie

Whereas, The Good Old Days Festival has for many years been a mainstay of the Somers Point celebration and entertainment calendar; and

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

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

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

Whereas, the Organizing Committee and the Historical Society are requesting, in an effort to not duplicate coverage and minimize costs, a waiver from the insurance requirements and has requested the City of Somers Point to co-sponsor the event to be held upon City owned property; and

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

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

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

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

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

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

It is **Further Resolved** that in recognition of the 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 10, 2022.

Consent Agenda Resolutions

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

Old Business:

None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

New Business:

None

Discussion of Bills:

Administrator Frost reported a record of Payments dated 7/1/2022 in the amount of \$8,603.02, a Record of Payment dated 7/1/2022 in the amount of \$120.00, a Record of Payment dated 7/12/2022 in the amount of \$35,777.96, a Record of Payment in the amount of 7/18/2022 \$143,330.01, a Record of Payment in the amount of \$421,512.79 and a Bill List dated 7/19/2022 in the amount of \$2,414,239.26.

Public Portion:

The meeting was duly opened to the public. Hearing nothing from the public, the public hearing was duly closed.

Payment of Bills:

M/S- Owen/Bruno

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

Comments from Governing Body:

Council Member DePamphilis mentioned the restaurants on Bay Avenue have been very busy.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:35 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:43 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 21, 2022**

Adjournment:

There being no further business to come before City Council, Council Member Bruno moved, Council Member Owen seconded and carried to adjourn the meeting at 9:44 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 9/8/2022