

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

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

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

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

Open Public Meetings Act:

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

Mayor Glasser held a moment of silence for the recent passing of former Council Member John Hill.

On the motion of Council Member McCarrie, seconded of Council Member Dill and carried to approve a 48-hour waiver to include an additional Bill List, request for vacation of Dobbs Avenue next to Block 1716, Lot 1 (paper street) and proposed fireworks display.

Communications:

Council President Johnston shared a letter sent from Police Chief Somers expressing his concerns regarding the potential implementation of retail cannabis stores. She also read aloud a letter from a resident who wished to share her praise for Allison Giampapa of the City Clerk’s Office.

Mayor’s Report:

Mayor Glasser invited the public to attend the “Coffee with Vets” event that the AMVETS will be holding at their building at 415 Shore Road on Monday, August 7th, at 10 a.m. He also revealed that Poetry in the Park will be held on Sunday, August 6th from 6:00 to 7:30 p.m. at John F. Kennedy Park. Lastly, he declared that yesterday, July 26th, marked the 33rd anniversary of the imperative American Disability Act.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Administrator’s Report:

None

Solicitors Report:

None

Engineers Report:

City Engineer Schneider reported that the flashing pedestrian beacons on Ocean Heights Avenue, and the Bike Path have been installed this week and are working. He also stated that himself, City Administrator Frost, and Council President Johnston met with the County Engineer regarding the grant for the Shore Road pedestrian improvements. The project should move forward in the fall, and they plan to hold a public meeting for improvement suggestions in September.

Committee Reports:

- Economic Development Advisory Commission: Charles Haberkorn, of EDAC, gave an extensive report updating City Council and the public on the City’s new marketing strategy. Including, sending out a press release a week in advance highlighting the next month’s events, putting up QR codes around the City, that when scanned, will bring them to the City’s Calendar of Events, and updating the City’s Facebook page at least twice a week. He also mentioned that a sub-committee of EDAC members met with the Atlantic County Economic Alliance and will come back to the committee at large where they will try to determine if there would be a benefit to joining said alliance. Either way, the committee will present their recommendation to City Council. Next, he detailed the many positive results that the City has seen since teaming up with Performance Marketing.
- Art Commission: Council Member Bruno announced that Poetry in the Park will be held at John F. Kennedy Park on August 6, 2023. She also mentioned that a talent show will be held at the Gateway Playhouse on October 15, 2023. Lastly, she revealed the Poetry Society is ongoing at the Senior Citizen Center and that there will be an upcoming photography event at Shore Medical Center.
- Recreation Commission: Council Member Owen shared that the Jersey Shore Boat Racing will be held again on August 6, 2023, from 10 a.m. to 4 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Bruno and carried to approve the Regular Meeting Minutes of 6/22/2023.

Public Portion Resolutions (Resolutions No. 178 and 180 Only)

Council President Johnston duly opened the meeting to the public.

John Helbig of 106 East Dawes Avenue thanked Mike Franklin and his staff at Eastern Sign Company.

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

Resolution No. 178 of 2023

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan thanked Mike Franklin and Eastern Sign Company.

Mayor Glasser recognized Mike Franklin for his dedication to the City and presented him with the signed Resolution.

No. 178 of 2023

Saluting and Thanking Eastern Sign Company

WHEREAS, the Somers Point Green Team has partnered with the Great Egg Harbor River Council to restore a City-owned parcel located at the intersection of 10th Street and Dobbs Avenue, designated as Block 1425, Lot 1, as a natural area and habitat for native plants; and **WHEREAS**, it is important to identify this parcel as a natural area suitable for the propagation of native plants; and

WHEREAS, long time Somers Point citizens Wendy and Mike Franklin, proprietors of Eastern Sign Company of Egg Harbor Township, kindly consented to donate the design, fabrication, and installation of an aesthetically pleasing site identification sign for the parcel; and

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Wendy and Mike Franklin of the Eastern Sign Company for their generosity and support of the project.

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

Resolution No. 180 of 2023

M/S- Dill/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan shared that he has fond memories of Gregory's and Taco Tuesdays and will continue to enjoy Taco Tuesdays in the future.

Council President Johnson revealed that she is glad that the Gregorlys are continuing the fight.

Mayor Glasser declared that the City is known for Taco Tuesdays at Gregory's and that they all support the Gregory family in this fight. He then presented the Gregory family with the signed resolution.

No. 180 of 2023

Supporting Gregory's Restaurant and Bar's New Jersey Trademark of "Taco Tuesday"

WHEREAS, Gregory's Restaurant and Bar is a family-owned restaurant and bar proudly serving delicious food and great drinks in Somers Point since 1946; and

WHEREAS, the iconic establishment has been operated by the Gregory family for over half a century and five generations, providing a friendly, familiar place for good food, inexpensive drinks, and great times for their Somers Point patrons; and

WHEREAS, Gregory's is a prime example of the wonderful family owned small businesses that Somers Point is known for, where locals and visitors alike are warmly welcomed; and

WHEREAS, in 1979, third generation proprietors and cousins, Gregory and Walt Gregory initiated "Taco Tuesday" as a fun weekly event to promote fellowship among their patrons while enjoying the inexpensive delicacy; and

WHEREAS, on occasion, the Taco Tuesday events at Gregory's have been used to raise money for local charities such as the Bud Kern Scholarship Fund, Little League Baseball, and Somers Point Police Athletic League; and

WHEREAS, a conservative estimate puts the number of tacos served by Gregory's over the years at more than two million, making this tradition worthy of strong support to preserve it for future generations of Somers Pointers; and

WHEREAS, after hosting its first Taco Tuesday in 1979, Gregory's received the first and original service trademark for the phrase three years later from the US Patent office; and

WHEREAS, after protracted litigation in the early 1990's, Gregory's won the rights for "Taco Tuesday" in New Jersey while Taco John's, a Wyoming based chain whose 370 locations are mainly in the West and Midwest, was granted the rights for the rest of the United States; and

WHEREAS, a global corporate giant fast food entity is trying to break the patent of "Taco Tuesday" across the nation including New Jersey, filing with U.S. trademark regulators this May to get Taco John's and Gregory's to abandon their trademarks, even eliciting the help of a well know basketball player; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, Taco John’s has recently given up the fight, bowing to the overwhelming corporate resources, while Gregory’s is committed to soldiering on in this “David vs. Goliath” battle.

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council of the City of Somers Point recognize Gregory’s Restaurant and Bar as part of the fabric of the community and its contributions to the City; and

BE IT FURTHER RESOLVED that the Mayor and City Council support Gregory’s in their battle to preserve this local tradition.

Ordinances:

Ordinance No. 17 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Owen/McCarrie

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

Council President Johnston duly opened the meeting to the public.

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

No. 17 of 2023

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

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

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

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

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

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

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

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

SECTION 1:

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

SECTION 2:

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

SECTION 3:

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

Ordinance No. 18 of 2023

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

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

Council President Johnston duly opened the meeting to the public.

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

No. 18 of 2023

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

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

WHEREAS, the request for the restricted, handicapped parking zone had included the required verified New Jersey Driver's License and the Permanent Disability Identification Card

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

issued by the New Jersey Motor Vehicle Commission to Thomas Palermo, who was a resident of 200 Pennsylvania Avenue; and

WHEREAS, Ordinance No. 17 of 2021, amended the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces, and Article V Section 250-54 Designations of Locations so as to make the following location as a Permit Only Handicapped Parking space and marked by sign indicating “Handicapped Parking by Permit Only:”

Name of Street	Location
Pennsylvania Avenue	South Side directly in front of 200 Pennsylvania Avenue (Sign to be placed 53 feet west of the curb line of Second Street.)

WHEREAS, Ordinance No. 17 of 2021, conditioned the aforesaid parking designation on Thomas Palermo continuing to reside at 200 Pennsylvania Avenue; and

WHEREAS, Thomas Palermo has now passed and 200 Pennsylvania Avenue has been sold, and therefore, there is no longer the need for a Permit Only Handicapped Parking space in front of 200 Pennsylvania Avenue.

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

SECTION 1. Ordinance No. 17 of 2021, is hereby repealed in its entirety.

SECTION 2. The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces, and Article V Section 250-54 Designations of locations are hereby amended to remove the following location as a Permit Only Handicapped Parking space, with the removal of all such signs erected to reflect that said location had been designated as “Handicapped Parking by Permit Only:”

Name of Street	Location
Pennsylvania Avenue	South Side directly in front of 200 Pennsylvania Avenue (Sign to be placed 53 feet west of the curb line of Second Street.)

SECTION 3: All other provisions of Chapter 250 shall remain in full force and effect 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.

Ordinance No. 19 of 2023
(First Reading/Introduction)

M/S- McCarrie/Owen

The ordinance was adopted by a roll call vote of those present, the vote was recorded as follows:

- Bruno – Yes

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

- Owen – Yes
- DePamphilis – Yes
- McCarrie – Yes
- McGuigan – No
- Dill – No
- Johnston – Yes

On the motion of Council Member DePamphilis, seconded of Council Member Owen and carried to approve the amendment of Ordinance No. 19 at Solicitor Smith’s recommendation.

Council Member McGuigan motioned to table Ordinance No. 19, seconded by Council Member Dill, roll call vote was recorded as follows:

- Bruno – No
- Owen - No
- DePamphilis – No
- McCarrie – No
- McGuigan – Yes
- Dill – Yes
- Johnston - No

Solicitor Smith detailed his recent modifications and asked City Council to consider modifying this ordinance to reflect those changes. He also briefly discussed the application process and the need for more research on objectively approving an applicant and reviewed the general locations for a potential retail store. When questioned about the feasibility of only allowing medical marijuana to be sold, he replied that it is not possible under this ordinance, and he would have to investigate that further with the State.

Council Member McGuigan asked for clarification on the selection process and shared his concern for not having control over that process. He is also apprehensive because he stresses that City Council has not received recommendations from the Economic Development Advisory Commission and the Business Association. He believes this is a bad idea for this community.

Council President Johnston is in support of this ordinance and asserts that the Economic Development Advisory Commission already gave their recommendation in favor of moving forward.

Council Member DePamphilis agrees with this resolution but disagrees with City Council not having a say in the selection process.

Council Member Dill proclaimed that this ordinance could be the most important one he will ever see, therefore, he wants to have a clear understanding of what he’s voting for and what the City has to gain from its passing. He also questioned whether we have received enough input from residents as to how they feel about this ordinance. In addition, after hearing the letter from Police Chief Somers, he wonders how City Council could pass this ordinance, stating that it would be like choosing revenue over the safety of the community.

Council Members Bruno and Owen approve of this ordinance.

Council Member McCarrie is in full agreement with this ordinance and is concerned that if the City does not provide a safe place to purchase cannabis, we run the risk of having more fentanyl related deaths.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

ORDINANCE NO. 19 of 2023

AN ORDINANCE AMENDING CHAPTER 114, DEVELOPMENT REGULATIONS, OF THE CITY CODE, ALLOWING THE OPERATION OF CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN THE MUNICIPAL BOUNDARIES OF SOMERS POINT BY: (1) REPEALING §114-119(A)16 OF CHAPTER 114, ARTICLE XX; (2) CREATING ARTICLE IB OF CHAPTER 114, CANNABIS LICENSING AND REGULATIONS; AND (3) AMENDING ARTICLE VII, GB GENERAL BUSINESS DISTRICT, ARTICLE VIII, HC-1 HIGHWAY COMMERCIAL – ONE DISTRICT, OF ARTICLE IX, HC-2 HIGHWAY COMERCIAL – TWO DISTRICT, ARTICLE XVII, I-PID PLANNED INDUSTRIAL DISTRICT.

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

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

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, cannabis distributors or cannabis delivery services”) allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, on July 22, 2021, City Council of the City of Somers determined that, due to the uncertainties regarding the potential future impacts of allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the City of Somers Point in particular, that it was, at that time, necessary and appropriate, and in the best interest of the health, safety and welfare of the City of Somers Point’s residents and members of the public who visited, traveled, or conducted business in the City of Somers Point, to amend the City of Somers Point’s zoning regulations to prohibit all manner of cannabis related land use and development within the geographic boundaries of the City of Somers Point; and

WHEREAS, since that passage of Ordinance 8 of 2021, City Council has appointed a committee (“Cannabis Committee”) to review the potential impact on the City of Somers Point regarding the operation of any category of cannabis business in the City of Somers Point, as well as the location and day to day operations of same; and

WHEREAS, since its formation, the Cannabis Committee has provided City Council with certain recommendations that have been discussed in open session of City Council meetings; and

WHEREAS, based on the recommendations of the Cannabis Committee, the City Council of the City of Somers Point has determined that allowing certain classes of cannabis businesses in Somers Point not only would be beneficial and appropriate for the City of Somers Point’s residents and commercial enterprises, but would also facilitate the procurement of medically prescribed cannabis by those in need; and

WHEREAS, the latter consideration, which was raised by the Cannabis Committee, took into account that the City of Somers Point, with its Medical Center, medical treatment facilities and many doctors’ offices, has a long history of supporting medical care and treatment, as well as the fact that the use of medically prescribed cannabis is recognized in the State of New Jersey as valid method of medical treatment for certain medical conditions; and

WHEREAS, section 40 of the Act authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the sales of the aforementioned classes of cannabis activity within the municipality; and

WHEREAS, a municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality, and at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one licensed cannabis establishment to another licensed cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof; and

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

WHEREAS, pursuant to N.J.S.A. 40:55D-89 the Somers Point Planning Board undertook reexamination of its Master Plan commencing in August of 2014 through March of 2015, to determine the major problems and objectives relating to land development within the City; and

WHEREAS, the Planning Board's Master Plan Reexamination Report identified the need to provide and create the appropriate land use controls relative to the development of Somers Point as a vibrant, waterfront community, the preservation of its historic district and neighborhoods, as well as developing better access throughout the City to its businesses within the community; and

WHEREAS, this Reexamination Report also recognized the potential for revisions to the City's land use and development objectives in response to changes in State regulations and policies; and

WHEREAS, this Reexamination Report also detailed and described the City's position as a regional provider of retail goods and services, and recommended a mix of uses accommodating a range of services be maintained and enhanced with convenient access to the State highway network; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26, this ordinance is being referred by the City Council to the Somers Point Planning Board to determine its consistency with the current Master Plan, or as same is amended; and

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. Section 114-119(A)16 of Chapter 114 of Article XX, entitled "Prohibited Uses" of the City of Somers Point Code is hereby repealed in its entirety.

2. Chapter 114 of the City of Somers Point Code is hereby amended to include Article IB, which shall be entitled, "Cannabis Licensing and Regulations," and shall include the following Ordinance Sections:

§114-4.17 Purpose

It is the purpose of this Article to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt ordinances imposing local regulation and licensing, and taxation on cannabis establishments, and regulating the consumption of cannabis in public areas.

§114-4.18 Definitions

As used in this article, the following words and phrases are defined as follows:

CANNABIS

All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable; manufactured in accordance with P.L.2021, c. 16 (C.24:61-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c. 307 (C.24:61-1 et al.) and P.L.2015, c. 158 (C. 18A:40-12.22, et al); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c. 114 (C.2C:35B-1 et seq.), or marihuana as defined in

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

section 2 of P.L.1970, c. 226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c. 238 (C.4:28-6 et al.).

CANNABIS CONSUMPTION AREA

As further described in section 28 of P.L.2019, c. 153 (C.24:61-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATOR

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS EXTRACT

A substance obtained by separating resins from cannabis by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by the Cannabis Regulatory Commission by rule or regulation,

CANNABIS FLOWER

The flower of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," c. 307 (C.24:61-1 et al.) and P.L.2015, c. 158 (C.18A:401222 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c. 238 (C.4:28-6 et al.).

CANNABIS LEAF

The leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers) cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PARAPHERNALIA

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling or otherwise introducing a cannabis item into the human body. "Cannabis paraphernalia" does not include drug paraphernalia as defined in N.J.S. 2C:36-1 and which is used or intended for use to commit a violation of chapter 35 or 36 of Title 2C of the New Jersey Statutes.

CANNABIS PRODUCT

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license. .

CANNABIS TESTING FACILITY

An independent, third-party entity meeting accreditation requirement established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

CANNABIS WHOLESALER

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CONDITIONAL APPROVAL

A determination by the City that the Applicant has complied with the provisions of this Chapter.

CONDITIONAL LICENSE

A temporary license designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

conditions for licensure which were not required for the issuance of the conditional license.

CONSUMPTION

The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

DELIVERY

The transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

FINANCIAL CONSIDERATION

Value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.

IMMATURE CANNABIS PLANT

A cannabis plant that is not flowering.

LOCAL CANNABIS LICENSE

A current and valid license for a Cannabis Establishment issued under this Ordinance, which shall be granted to a Local Cannabis Licensee only for and limited to a specific Licensed Premises and a specific Licensed Property.

LOCAL CANNABIS LICENSEE

The individual, organization, partnership, company, corporation, enterprise, or other entity that holds a current and valid Local Cannabis License issued under this Ordinance as well as the person or persons associated with the Local Cannabis Licensee as Applicant(s) for that Local Cannabis License.

LICENSED PREMISES

The particular building, buildings, or tenant space within which the Local Cannabis Licensee will be authorized to conduct the Facility's activities pursuant to the Local Cannabis License.

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

LICENSED PROPERTY

The real property comprised of a lot, parcel, or other designated unit of real property upon which the Licensed Premises is situated.

LICENSE

A license issued under P.L.2021, c. 16 (C.24:61-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c. 16 (C.24:61-31 et al.) otherwise intend to only apply to a license and not a conditional license.

LICENSEE

A person or entity that holds a license issued under P.L.2021, c. 16(C.24:61-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c. 16 (C.24:61-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license.

LICENSEE REPRESENTATIVE

An owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity,

MANUFACTURE

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

MATURE CANNABIS PLANT

A cannabis plant that is not an immature cannabis plant.

MEDICAL CANNABIS

Cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c. 307 (C.24:61-1 et al.) and P.L.2015, c. 158 (C.18A:40-12.22 et al.). "Medical cannabis" does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c. 16 (C.24:61-31 et al.).

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

PREMISES or LICENSED PREMISES

Includes the following areas of a location licensed under P.L.2021, c. 16 (C.24:61-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and } for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

PRODUCE

The planting, cultivation, growing or harvesting of cannabis. "Produce" does not include the drying of cannabis by a cannabis manufacturer, if the cannabis manufacturer is not otherwise manufacturing cannabis.

PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool* shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

§ 114-4.19 Local Cannabis License; Classification & Number of Local Cannabis Licenses

- A. Local Cannabis License Required. No person or entity shall operate a Cannabis Establishment, Distributor or Delivery Service at any time or from any location within the City unless a currently effective Local Cannabis License for that Person or Entity at that Licensed Premises has been issued under this Ordinance.
- B. Classification & Number of Local Cannabis Licenses. The City, subject to State licensure, may issue the following Local Cannabis Licenses:

Class of License	Maximum Number of Licenses
Class I - Cannabis Cultivator license	0
Class II - Cannabis Manufacturer license	0
Class III - Cannabis Wholesaler license	0
Class IV - Cannabis Distributor license	1
Class V - Cannabis Retailer license	1
Class VI - Cannabis Delivery license	0

- C. Dual Local Cannabis Licenses. The licensure and dual operation in multiple classes of Local Cannabis Licenses is permitted so long as all licenses are held by the same Local Cannabis Licensee, all applicable state and local licenses have been issued, such

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

licenses remain valid, active and in compliance with all applicable state and City requirements.

§114-4.20 Cannabis Licensed Facility Prohibited within 200 feet.

No Cannabis License shall be issued for the storage, distribution, or sale of cannabis within two hundred feet of any public or private school property. Said two hundred feet shall be measured from the closest point of such property to the closest point of said school property.

The prohibition contained in this section shall not apply to the renewal of any Cannabis License where no such school property was located within two hundred feet of the property of said licensed premises at the time of the issuance of the original Cannabis Retailer License.

§114-4.21 Local Consumption Areas Prohibited

No entity in possession of a Local Cannabis License shall permit the consumption or ingestion of cannabis in any manner in or upon licensed premises.

§114-4.22 Local Cannabis Licensing Authority,

The City Clerk is hereby designated to act as the Local Licensing Authority for the City for all Local Cannabis Licenses. The City Clerk, subject to City Council approval resolution, shall handle all aspects the issuance of any Local Cannabis License, after initial approval. Under all circumstances in which State law requires communication to the City by the Cannabis Regulatory Commission or any other State agency with regard to cannabis licensing by the State, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the City Clerk.

§114-4.23 Application Requirements

An application for a Local Cannabis License shall be submitted on current forms provided by the City with an application fee pursuant to §114-4.27. At least one controlling beneficial owner shall sign all applications. However, other owners with day-to-day management authority may be required to sign authorizations, requests to release information and other forms required by licensing authority staff. Applications shall be complete and accurate and must include all attachments, checklists, verifications and supporting documents required by the City's current application forms before the application will be accepted or considered. The City may refuse to accept an incomplete application.

§114-4.24 Procedures & Requirements for Approval

- A. Application review. All Applications for a Local Cannabis License shall be referred to a City Clerk for purpose of reviewing the application for completeness and forwarding on to City Council for purposes of a hearing on same. The Applicant will be required to make a presentation and answer any questions of the members of the governing body.

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

- B. Licensing Considerations. The governing body may consider the facts and evidence adduced as a result of the Application Review, as well as any other facts pertinent to the type of license for which the application has been made. Such facts include, but are not limited to, the number, type, and availability of cannabis businesses located in or near the premises under consideration and other pertinent matters affecting the qualification of the applicant for the conduct of the type of business proposed, including, but not limited to, the applicant possessing a minority, women's, or disabled veterans' business certification provided to the Applicant by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to N.J.S.A. 24:61-25.
- C. Conditional Approval. After review and consideration by the governing body, it may grant a Conditional Approval if concluded that the applicant has met the requirements set forth in this Chapter. The governing body may decline to grant more conditional approvals than the number of local licenses issued. The governing body may set forth additional requirements and/or criteria by way of resolution in connection with its consideration of Conditional Approval of any applicant. A Conditional Approval shall entitle the Applicant to pursue a State license in the appropriate classification for up to 18 months. A Conditional Approval shall not grant the Applicant any right or privilege to a Local Cannabis License.
- D. Limitation on Number of Licenses. The number of Local Cannabis Licenses for each class of license are limited pursuant to §114-4.19 of this Article. A Local Cannabis License will not be issued to an Applicant that has obtained a Conditional Approval if the maximum number of Local Cannabis Licenses for the same class have been issued by the City. The local governing body may set forth by way of resolution, the requirements, criteria and/or manner of selection of the Applicant which will determine the local governing body's decision to convert any Conditional License to an Annual License.
- E. Denial of Conditional Approval. The City shall deny a Conditional Approval to any Applicant who fails to provide information, documentation and assurances as required by this Chapter or as requested by the City, or who fails to reveal any material fact to qualification, or who supplies information which is untrue or misleading as to a material fact pertaining to the qualification criteria for licensure. The City shall grant a Conditional Approval upon a determination that the Applicant has met the requirements of this Chapter unless the City finds by clear and convincing evidence that the Applicant would be manifestly unsuitable to perform the activities for the applicable license class for which Conditional Approval is sought.
A written decision with findings supporting the denial of the Conditional Approval shall be sent by certified mail to the applicant at the address shown in the application.
- F. Termination of Conditional Approval. A Conditional Approval shall be valid for 18 months, unless otherwise revoked, from the date of approval.

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

§114-4.25 Procedures & Requirements for Issuance of Local Cannabis License

No Local Cannabis License shall be issued until the Applicant has received a State license and satisfied other prerequisites of the Conditional Approval.

- A. Notice to City. An Applicant shall notify the City Clerk upon meeting all conditions of the Conditional Approval. The notice shall include a copy of the State license, a copy of the full application submitted to the State of New Jersey and a statement affirming that the Applicant has not made any material changes to the original application.
- B. Issuance of Local Cannabis License. The City shall issue a Local Cannabis License once satisfied that the conditions of the Conditional Approval have been met.
- C. License duration. Unless revoked or suspended, local licenses shall run concurrently with state licenses. This means that once a Local Cannabis License is issued, such license will expire, unless otherwise revoked as provided for herein, on the same date as the current State license.

§114-4.26 Regulations

A Local Cannabis Licensee shall at all times comply with the following operational requirements, which the City may review and amend from time to time as it determines reasonable.

- A. Scope of Operation. A Local Cannabis Licensee shall comply with all respective applicable codes of the local zoning, building, and health departments, as well as those set forth in this Article. The Local Cannabis Licensee must hold a valid Local Cannabis License and State license for the classification intended to be carried out on the Licensed Property.
- B. Security. Local Cannabis Licensee shall at all times maintain a security system that meets State law requirements, and in addition shall also include the following:
 - a. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered;
 - b. A minimum of two security guards on location during operating hours;
 - c. All security recordings and documentations shall be preserved for at least thirty (30) days by the Local Cannabis Licensee and made available to any law enforcement upon request for inspection.
- C. Operating Hours. Hours of operation for the Cannabis Retail License holders shall be limited to an operating schedule of 10 a.m. to 8 p.m. All other Classes of licensure may operate 10 a.m. to 10. p.m.
- D. Sign Restrictions. All signs shall comply with all respective applicable codes of the local zoning, building, and code enforcement departments.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

- E. Permits. All necessary building, electrical, plumbing, and mechanical licenses must be obtained for any part of the Licensed Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of cannabis are located.
- F. Waste Disposal. The Local Cannabis Licensee shall use lawful methods in controlling waste or by-products from any activities allowed under the Local Cannabis License. All waste or by-products stored must be contained in a dumpster that is locked or located within a locked enclosure. Dumpster pick-up shall occur at least twice weekly.
- G. Indoor Operation. All activities permitted pursuant to a Local Cannabis License, including without limitation, distribution, growth, manufacturing, cultivation, or the sale of cannabis, and all other related activity must occur indoors.
- H. Odor Prohibited. A Local Cannabis Licensee's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system or other appropriate system.
- I. Nuisance Prohibited. The Licensed Premises shall not be operated in a manner that creates noise, dust, or glare beyond the boundaries of the property; or create any other nuisance that hinders the public health, safety, and welfare.
- J. Additional Conditions. The City may impose such reasonable Terms and Conditions on a Local Cannabis Licensees as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

§114-4.27 Application Fee

At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs associated with the processing of the application. The application fee shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or City law or ordinance, including, by way of example, the Annual Licensing Fee pursuant to §114-4.28.

The Application Fee shall be \$10,000, for licenses for Classes I through and including Class V. The Application Fee for a Class VI license shall be \$2,500. Application Fees may be modified annually by resolution of the City Council.

§114-4.28 Annual License Fee

- A. The Local Cannabis Licensee shall pay an annual licensing fee for each license held as follows:

Class of License	License Fee
Class I - Cannabis Cultivator license	\$10,000
Class II - Cannabis Manufacturer license	\$10,000

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Class III - Cannabis Wholesaler license	\$10,000
Class IV - Cannabis Distributor license	\$10,000
Class V - Cannabis Retailer license	\$10,000
Class VI - Cannabis Delivery license	\$ 2,500

- B. Payment Date. Annual Licensing Fee(s) shall be due and payable on the date the City issues a Local Cannabis License and shall be payable annually thereafter on the yearly anniversary of the issuance of the license.
- C. Late Fees. The failure of a Local Cannabis Licensee to pay the Annual Licensing Fee when due, will result in the assessment of a Late Fee as follows:
- a. One (1) to Seven (7) days late, a late fee equivalent to two (2%) percent of the Annual Licensing Fee.
 - b. Eight (8) to Fifteen (15) days late, a late fee equivalent to five (5%) percent of the Annual Licensing Fee.
 - c. Sixteen (16) to Thirty (30) days late, a late fee equivalent to ten (10%) percent of the Annual Licensing Fee.
 - d. After expiration of Thirty (30) days the Local Cannabis Licensee shall cease operations.

§114-4.29 Local Cannabis License Renewals

- A. Timing of Renewal Application. An application for renewal of a Local Cannabis License shall be filed at least sixty calendar days prior to the expiration date of the current license.
- B. Renewal Application Procedures. The renewal application shall contain all the information required for new applications. The applicant shall pay a fee pursuant to §114-4.28 to cover the costs of processing the renewal permit application. An application for renewal of a Local Cannabis License shall be rejected if any of the following exists:
- 1. The application is filed less than sixty days before its expiration.
 - 2. The Local Cannabis License is suspended or revoked at the time of the application.
 - 3. The Local Cannabis Licensee has not been in regular and continuous operation in the four months prior to the renewal application.
 - 4. The Local Cannabis Licensee has failed to conform to the requirements of this chapter, or of any regulations adopted pursuant to this chapter.

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

5. The Local Cannabis Licensee fails or is unable to renew its state of New Jersey license.

6. If the city or state has determined, based on substantial evidence, that the Local Cannabis Licensee is in violation of the requirements of this Chapter, or of the state rules and regulations, and the city or state has determined that the violation is grounds for termination or revocation of the Local Cannabis License.

C. Conditions of Renewal. The Local Licensing Authority, in conjunction with advice from, and with the agreement of, the Somers Point Police Department and the City Administrator, is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the Local Licensing Authority is authorized to impose additional conditions to a renewal license, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Local Licensing Authority shall be appealable to City Council pursuant to §114-4.31 of this Article.

§114.4.31 Transfer of Local Cannabis License.

A. Non-transferable. A Local Cannabis Licensee shall not transfer ownership or control of the Local Cannabis License to another person or entity unless and until the transferee obtains an amendment to the license from City Council stating that the transferee is now the licensee. Such an amendment may be obtained only if the transferee files an application in accordance with all provisions of this chapter (as though the transferee were applying for an original Local Cannabis License). The proposed transferee's application shall be accompanied by an Application Fee pursuant to §114-4.27. No Local Cannabis License may be transferred when the City Council has notified the licensee that the permit has been or may be suspended or revoked.

B. Change in Ownership. Changes in ownership of a Local Cannabis Licensee's business structure or a substantial change in the ownership of a Local Cannabis Licensee's business entity (changes that result in a change of more than fifty-one percent of the original ownership) must be approved by City Council through the transfer process contained in subsection (A) of this section. Failure to comply with this provision is grounds for permit revocation.

C. Any attempt to transfer a Local Cannabis License either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

§114-4.32 Suspension of License

City Council may revoke, suspend, or decline to renew any Local Cannabis License issued under this Article, or for any violation of any law and/or any rule, regulation policy, procedure, or regulation in this Article. Grounds for revocation, suspension or nonrenewal of a license or permit shall include the following:

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

- A. The failure of the Local Cannabis Licensee to comply with the provisions of this Article or any other law pertaining to commercial cannabis businesses;
- B. The giving of false or misleading information by the Local Cannabis Licensee in making application for a Local Cannabis License or in connection with an investigation conducted by the city or any other state, local or federal agency;
- C. Any cause for denying an original Local Cannabis License as set forth in this Article;
- D. The revocation, suspension, or nonrenewal of associated state licenses/permits, which revocation, suspension or nonrenewal the Local Cannabis Licensee shall disclose immediately to the City Clerk;
- E. The failure of the Local Cannabis Licensee to diligently initiate business operations or to continue to carry on business operations in a manner substantially as set forth in the business plan, safety and security plan and application submitted in support of the Local Cannabis Licensee's original or renewal application to operate.

The determination of the Local Licensing Authority, in conjunction with the advice of, and agreement with the Somers Point Police Department and the City Administrator, to suspend, revoke or decline to renew a Local Cannabis License shall be made in writing and mailed or delivered to the Local Cannabis Licensee's registered agent. The determination of the Local Licensing Authority shall become effective ten business days following the date of the notice of that determination. The Local Cannabis Licensee may, during such ten-day period, appeal the determination of the Local Licensing Authority to City Council. If the Local Cannabis License fails to file the notice of appeal within such ten-day period, the determination of the Local Licensing Authority shall be final and conclusive. If a written notice of appeal is filed with the City Clerk during such ten-day period, the determination of the City Council shall be stayed pending the City Council's hearing and decision on the appeal.

§114-4.32 Liability & Indemnification

- A. By accepting a Local Cannabis License issued pursuant to this Article, the Local Cannabis Licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of Local Cannabis Licensee's owners, operators, employees, clients or customers for a violation of state or federal laws, rules, or regulations.
- B. By accepting a Local Cannabis License issued pursuant to this Chapter, all Local Cannabis Licensees agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Licensed Property, arising out of, claimed to have arisen out of, or in any manner

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

connected with the operation of a cannabis establishment or use of a product cultivated, processed, distributed or sold that is subject to the Local Cannabis License, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c) or any other alleged violation of the law.

- C. By accepting a Local Cannabis License issued pursuant to this Article, a Local Cannabis Licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C, Section 801 et seq.

§114-4.33 Local Cannabis License as Revocable Privilege

A Conditional Approval and Local Cannabis License granted by this Article are a revocable privilege granted by the City and are not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each Local Cannabis License is exclusive to the Local Cannabis Licensee, and a Local Cannabis Licensee or any other person or entity must apply for and receive the City's approval before a Local Cannabis License is transferred, sold, or purchased. A Local Cannabis Licensee or any other person or entity shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a Local Cannabis License without prior state and local approval is grounds for suspension or revocation of the Local Cannabis License or for other sanction considered appropriate by the City Council.

§114-4.34 Cannabis Tax established.

- A. There is hereby established a local cannabis transfer tax in the City of Somers Point which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1 %) of the receipts from each sale by a cannabis wholesaler; one percent (1 %) of the receipts from each sale by a cannabis distributor; and two percent (2%) of the receipts from each sale by a cannabis retailer for every occupancy of a cannabis establishment in the City of Somers Point.
- B. In addition to the tax established in paragraph A of this section, a user tax, at the equivalent transfer tax rates, is hereby established on any concurrent license holder, as permitted by section 33 of P.L.2021, c. 16 (C.24:61-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph A of this subsection, from the license holder's establishment that is located in City of Somers Point to any of the other license holder's establishments, whether located in this City or another municipality.
- C. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

§114-4.35 Tax in addition to other taxes or fees.,

The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

§114-4.36 Collection.

- A. The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to the City of Somers Point by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the City by the cannabis retailer selling the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- B. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of the City of Somers Point shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- C. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.
- D. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the City of Somers Point Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

transfer taxes and user taxes collected for the immediate prior months of July, August and September.

§114-4.37 Payment; vendor violations and penalties.

- A. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.
- B. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.
- C. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- D. A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced."

§114-4.38 City Policy, Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish

The purpose of §§114-4.38 through 114-4.41 of this Article is to regulate conduct in Public Places affecting the public health, safety and general welfare by protecting residents of and visitors to the City of Somers Point from the nuisance and health hazards of second hand cannabis smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of consuming cannabis around non-users; by protecting the public from nonconsensual exposure to secondhand cannabis smoke and cannabis-related litter and pollution, and, by affirming the family-friendly atmosphere of public areas in the City of Somers Point.

In addition, it is intended to provide an enforcement mechanism for complaints made by private property owners, tenants, business operators, and their representatives to preclude cannabis consumption on their property or premises.

§114-4.39 Restrictions on Public Consumption of Cannabis, Marijuana, and Hashish.

It is unlawful for any person to smoke or otherwise use or consume Cannabis while on the outdoor grounds of any City building, including adjacent parking lots, and in or on any Public Open Space, Parks, Public Right-of-Way, Recreation Area, or the area of any scheduled public event.

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

Smoking or otherwise using or consuming Cannabis while on private property without the permission of the owner, tenant, business operator or their representatives shall constitute public consumption and is hereby prohibited.

§114-4.40 Enforcement.

The City of Somers Point Police Department is hereby charged with the enforcement of this Article of the City Code. All members of the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

§114.41 Violations and penalties.

- A. Any licensee who shall violate or fail to comply with the provisions of this chapter shall, upon conviction, have his, her or its license subject to a fine of \$2,500 for the first offense and \$3,500 for any subsequent offense as well as such penalties as may otherwise be provided by law.
- B. Any such person who shall violate or fail to comply with the provisions of this chapter shall upon conviction, be subject to a minimum fine of \$250 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days as well as such penalties as may otherwise be provided by law.

3. Article VII, GB General Business District, of Chapter 114 is to be amended and supplemented for the purpose of creating a Cannabis Overlay Zone by adding a Class 5 Cannabis Retail Dispensary as a Conditional Use, as follows:

Section 114-45.1 – Purpose of General Business-Cannabis Overlay Zone

The purpose of the General Business Cannabis Overlay Zone is to conditionally permit the change of use and operation of a Class 5 – Cannabis Retail Dispensary consistent with all applicable licensing and operational provisions of the State of New Jersey’s Cannabis Regulatory Commission and the City of Somers Point within the City’s existing regional retail centers.

Section 114-45.2 – Conditional Use Permitted:

A. Class 5 – Cannabis Retail Dispensary

Section 114 – 45.3 – Conditions

- A. Compliance with all State of New Jersey and City of Somers Point licensing, administrative procedures, and operational requirements as set forth in Article IB, Cannabis Licensing and Regulations;
- B. Compliance with all applicable provisions within General Regulations at Section 114-35(C)(2);
- C. Submission of a Minor Site Plan Application as described in Section 114-144 focusing on the proposed facility location. Waivers can be issued for submission items deemed not applicable at the discretion of the reviewing board;
- D. A facility floor plan shall be provided and shall clearly depict proposed employee/customer access and egress points, general facility orientation and use of internal spaces and pedestrian safety provisions;
- E. Curbside pickup not to be allowed.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

- F. The size and location of facility loading/unloading areas shall be clearly depicted;
- G. Submission of an odor mitigation narrative and plan details;
- H. Submission of a noise control narrative and plan details;
- I. Submission of a loitering control narrative and plan details;
- J. Sign requirements in Section 114-52 shall be followed except as to specific requirements promulgated by the Cannabis Regulatory Commission or pursuant to Article IB of the City Code.

4. Article VIII, HC-1 Highway Commercial – One District, of Chapter 114 is to be amended and supplemented for the purpose of establishing the geographic limits of Highway Commercial – One, Cannabis Business B Overlay Zones along New Road (US RT 9) within the HC-1 Highway Commercial – One Zoning District, adding a Class 5 Cannabis Retail Dispensary and Class 4 Cannabis Distributor as Conditional Uses within such zones, as follows:

Section – 114-52.1 – Purpose of HC-1 Highway Commercial - One Cannabis Overlay Zones

The purpose of the Cannabis Overlay Zones within the HC-1 Highway Commercial – One Zoning District is to conditionally permit a Class 5 Cannabis Retail Dispensary and/or Class 4 Cannabis Distributer consistent with all applicable licensing and operational provisions of the State of New Jersey’s Cannabis Regulatory Commission and City of Somers Point.

Section 114-52.2 – Conditional Uses Permitted

A. Class 5 – Cannabis Retail Dispensary

B. Class 4 – Cannabis Distributer

Section 114-52.3 – Conditions

- A. Compliance with all State of New Jersey and City of Somers Point licensing, administrative procedures, and operational requirements as set forth in Article IB, Cannabis Licensing and Regulations;
- B. Submittal of a Site Plan application, as provided in Section 114-143 for new construction and Section 114-144 for a Change of Use within an existing structure. Waivers can be issued for submission items deemed not applicable at the discretion of the reviewing board;
- C. Confirmation that the facility and all planned accessory uses/structures will be located completely within the designated overlay zone, and oriented to New Road (US RT 9);
- D. Area and Bulk Requirements: Development sites shall meet the current HC-1 Highway Commercial – One District requirements. Sites not meeting these are potentially approvable so long as there is no exacerbation of existing non-conformities and the specific non-conformities can be effectively mitigated;
- E. Compliance with all applicable design provisions of the HC-1 Highway Commercial - One Zoning District, excepting the following:
 - a combination of privacy fencing and mature (10-12’) evergreen screening vegetation in a buffer a minimum of 15’ in width shall be employed and detailed on the site plan between the proposed site/facility and adjacent residential use/zone boundary;
- F. A vehicular/pedestrian circulation and off-street parking/loading area plan depicting adequate dedicated parking for customers, employees, deliveries, etc. is to be provided. Curbside pickup is not allowed;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

- G. A solid waste management and disposal plan, including provisions for timely collection of all waste products generated from on-site uses as well as the handling/collection of recyclables is to be provided;
 - H. A detailed lighting plan focusing on-site security depicting proposed illumination levels along with locations/details of all exterior light fixtures, including existing and proposed building mounted lighting, is required;
 - I. A loitering mitigation plan including plan details depicting all provisions for safety and loitering control is to be provided;
 - J. A noise and odor mitigation plan and operational details depicting how adverse impacts to adjacent uses will be minimized is to be provided.
5. Article IX, HC-2 Highway Commercial – Two District, of Chapter 114 is to be amended and supplemented for the purpose of adding a Class 5 Cannabis Retail Dispensary and Class 4 Cannabis Distributer as Conditional Uses, as follows:

Section 114-54. Permitted Uses

C. Conditional uses.

- (2) Class 5 – Cannabis Retail Dispensary
- (3) Class 4 – Cannabis Distributer

Conditional uses (2) and (3) above are required to depict compliance with all Conditions listed for these uses in the HC-1 Highway Commercial - One Cannabis Overlay Zones, in Section 114 – 52.3, except that within this district uses must be oriented completely to either MacArthur Boulevard (NJ RT 52) or Mays Landing-Somers Point Road (Atlantic County Route 559).

6. Article XVII, I-PID Planned Industrial District, of Chapter 114 is to be amended and supplemented for the purpose of adding a Class 4 Cannabis Distributer as a Conditional Use, as follows:

Section 114-105. Permitted Uses

D. Conditional uses.

- (1) Class 4 – Cannabis Distributer, subject to the following conditions:
 - a. Compliance with all State of New Jersey and City of Somers Point licensing, administrative procedures, and operational requirements as set forth in Article IB, Cannabis Licensing and Regulations;
 - b. Submission of a Site Plan application described in Section 114-143 for new construction and Section 114-144 for a change of use including a floor plan depicting site access/egress and uses/sizes of all internal spaces;
 - c. Submission of an odor mitigation plan;
 - d. Submission of a noise/loitering control plan;
 - e. Submission of a facility parking and loading plan;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

f. A detailed site lighting plan is to be provided depicting proposed illumination levels, type and location of all light fixtures including building-mounted lighting.

BE IT FURTHER ORDAINED that should any section, clause, sentence, phrase, provision in these amendments to ordinances be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remain portions of these ordinances.

This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 20 of 2023

(First Reading/Introduction)

M/S- Dill/McCarrie

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

No. 20 of 2023

BOND ORDINANCE PROVIDING FOR VARIOUS STORMWATER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) AGGREGATE PRINCIPAL AMOUNT BONDS OR NOTES OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY TO FINANCE THE COST THEREOF

NOW THEREFORE, 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 (2/3) of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Description of Projects:

The City of Somers Point (the “City”) hereby authorizes the following projects to maintain and support compliance by the City with the clean water regulations of the State of New Jersey and thereby improve and protect the City’s stormwater drainage and protection system (the “**Stormwater System Improvement Projects**”):

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
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a.) Construction of Improvements to Exton Road Pump Station, together with all

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

materials and work necessary therefore, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$1,898,000 \$1,898,000 40 years

b.) Acquisition and Installation of Pacific Avenue Pump Station Generator, together with all materials and work necessary therefore, 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.

\$518,000 \$518,000 40 years

c.) Construction of Stormwater Improvements to Ocean Avenue, together with all materials and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

work necessary therefore, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$1,188,000 \$1,188,000 40 years

d.) Construction of Exton Road Shoreline Stabilization/Living Shoreline project, together with all materials and work necessary therefore, 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.

\$696,000 \$696,000 40 years

TOTAL \$4,300,000 \$4,300,000 40 years

Section 2. Permanent Funding of Appropriation

REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023

(a) To provide funds to permanently fund the costs of the Stormwater System Improvement Projects (the “**Project Costs**”), the issuance by the City of bonds in the aggregate principal amount of up to \$4,300,000 is hereby authorized, approved, ratified and confirmed. The Project Costs may be permanently financed through the issuance of general obligation bonds of the City to the New Jersey Infrastructure Bank (the “**I-Bank**”) and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “**State**”) pursuant to the New Jersey Infrastructure Bank Financing Program (the “**I-Bank Financing Program**”).

(b) In accordance with N.J.S.A. 40A:2-11(c), no down payment shall be required in connection with the issuance of the bonds for the Stormwater System Improvement Projects as this Bond Ordinance authorizes an obligation referred to in N.J.S.A. 40A:2-7(h) for purposes that are self-liquidating as described in N.J.S.A. 40A:2-45.

Section 3. Temporary Construction Financing From I-Bank Prior to Issuance of Bonds

In anticipation of the issuance of the bonds, the City hereby authorizes, if necessary or desirable, the issuance, sale and award of construction project notes (the “**Construction Project Notes**”) pursuant to the I-Bank’s construction financing program (the “**I-Bank Construction Financing Program**”). The Construction Project Notes shall be substantially in the form provided by the I-Bank in the I-Bank Construction Financing Program’s loan agreement. The execution and delivery of the Construction Project Notes and all additional documents and instruments related thereto by the Mayor, Chief Financial Officer and City Clerk (collectively, the “**Authorized Officials**”) is hereby authorized. The Authorized Officials are each hereby authorized to determine, pursuant to the terms and conditions established by the I-Bank and the State under the I-Bank Construction Financing Program’s loan agreement and the terms and conditions of this Ordinance and any subsequent resolution of the City Council, the following items with respect to the Construction Project Notes: (a) the aggregate principal amount of the Construction Project Notes to be issued, which amount shall not exceed \$4,300,000; (b) the maturity of the Construction Project Notes, which shall be no later than two years after the date of issuance thereof; (c) the date of the Construction Project Notes; (d) the interest rate of the Construction Project Notes, which shall not exceed 2% per annum; (e) the purchase price for the Construction Project Notes; and (f) such other matters with respect to the Construction Project Notes as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further authorized to manually execute and deliver and the City Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the City to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Construction Project Notes and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 4. Authorization of Bond Anticipation Notes In Lieu of I-Bank Construction Financing

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

If the City shall elect to forego the I-Bank Construction Financing Program, then prior to the issuance of permanent bonds and to temporarily finance the Stormwater System Improvement Projects stated in Section 1, above, negotiable notes of the City in a principal amount not exceeding FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Bond Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the City Council at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Bond Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Bond Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Additional Matters

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

(a) The said purposes described in Section 1 of this Bond Ordinance are not current expenses and are properties or improvements which 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 specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 40A:2-22 is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate 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, and 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 FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000), and that the net debt of the City determined

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

as provided in the Local Bond Law is not increased by this Bond Ordinance. The said obligations authorized by this Bond Ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding **EIGHT HUNDRED SIXTY THOUSAND DOLLARS (\$860,000)** in the aggregate for interest on said bonds, costs of issuing said bonds, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the improvements as authorized herein, and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 6. Maturity of Bonds

The bonds shall mature at such time or times not exceeding forty (40) years from the date thereof or as may be approved by the Local Finance Board of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (“**Local Finance Board**”) pursuant to N.J.S.A. 58:11B-9(a) and 40A:2-26 of the Local Bond Law, as may be applicable. All other terms of the notes and bonds, including, without limitation, the dates thereof, the rate or rates of interest to be paid thereon, the provisions for redemption prior to maturity thereof, and the place or places for payment thereof, shall be as determined by subsequent resolution or resolutions of the City Council as permitted by N.J.S.A. 40A:2-16 of the Local Bond Law.

Section 7. Authorization to Contract

The City is hereby authorized and directed to enter into any and all contracts or agreements necessary, desirable or convenient to effectuate the financing program with the I-Bank authorized by this Bond Ordinance.

Section 8. Execution of Documents

The Mayor, Chief Financial Officer, City Administrator and Clerk of the City are hereby jointly and severally authorized and directed to take all actions and execute all documents and instruments necessary or appropriate to carry out the purposes of this Bond Ordinance, including, without limitation, the furnishing of such documentation and information as may be required by the Director of the Local Finance Board. All prior actions taken by such officials in connection with the financing program authorized by this Bond Ordinance are hereby ratified and confirmed.

Section 9. Covenants

The City hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. Ratification of Prior Actions

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Any action taken by any officials of the City in connection with the improvements described in Section 1 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 11. Application of Grants

Any grant moneys received for the purposes described in Section 1 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this Bond Ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 12. Full Faith and Credit

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

Section 13. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 1 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 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 1 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 yield restrictions or arbitrage rebate requirements.

Section 14. Effective Date

This Bond Ordinance shall take effect twenty (20) days after the first publication hereof after final passage, as provided by the Local Bond Law.

Section 15. Capital Budget

The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary budget has been filed with the Division of Local Government Services.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

(First Reading/Introduction)

M/S- Owen/McCarrie

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

No. 21 of 2023

**AN ORDINANCE REPEALING THE ENTIRETY OF CHAPTER 200 -
PARKING LOTS, MUNICIPAL**

WHEREAS, on April 22, 2021, City Council passed Ordinance No. 7 of 2021, entitled “An Ordinance Establishing Requirements for the Use of Municipal Parking Lots and the Imposition of Parking Fees:” and

WHEREAS, the passage of said ordinance created Chapter 200 of the Code; and

WHEREAS, City Council now believes that it would be appropriate to repeal said ordinance based upon the belief that the imposition of parking fees has not been the benefit to the City and general public as had been anticipated.

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 200 of the City Code is hereby repealed in its entirety.
2. This repealer ordinance shall take effect at 12:01 a.m. on September 1, 2023.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of 587 Marks Road asked for clarification on Resolution No. 172 of 2023 and inquired about the boat ramp fees.

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

Resolution No. 164 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 164 of 2023

Subject: Change Order 1 – Temporary Boiler Services

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Introduced By: Council Member McGuigan

WHEREAS, in accordance with Resolution 230 of 2022, Multi Temp Mechanical Inc of Westville New Jersey was awarded State Contract Number 88695 – HVAC, Refrigeration, and Boiler Services with an expiration of October 31st 2023, and an approval was granted for Multi Temp Mechanical Inc to provide Temporary Boiler Services for a sum of \$41,842; and

WHEREAS, during the course of the project the amount of time the Temporary Boiler Services were needed for the project substantially changed and Multi Temp Mechanical Inc has billed the City accordingly for the adjusted amount of time; and

WHEREAS, the Business Administrator recommends the approval of the Change Order from the quoted amount; and

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

Quoted Amount	\$41,842.00	
Change order 1	\$6,999.05	
Revised Contract Amount	\$48,841.05	
Total Deduction: \$0	Total Additional: \$6,999.05	Net Change: 16.7%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Temporary Boiler Service is hereby approved and the Business Administrator/ QPA, Jason Frost is hereby authorized and directed to execute all documents in this regard on behalf of the City and move forward with payment of the updated invoice.

Resolution No. 165 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 165 of 2023

Subject: Authorizing First Amendment with Atlantic County Concerning Design, Construction and Jurisdictional Control of the Bike Lanes along New York Avenue (CR 665)

Introduced By: Council President Johnston

WHEREAS Atlantic County currently owns the right of way of Ocean Heights Avenue (CR 665) in the City of Somers Point and maintains said roadway for vehicular travel between the curb lines thereof.; and

WHEREAS, City of Somers Point previously executed an agreement with the County dated June 2nd, 2021, concerning the construction of bike lanes within in

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

portions of the County right of way along New York Avenue (CR 665), from Shore Road (CR 585) to New Road (NJ Route 9) and expired in June of 2023; and

WHEREAS, the agreement originally executed on June 2, 2021, concerning the design and construction of bike lanes within portions of the County ROW along New York Avenue (CR 665) in Somers Point, is hereby amended to extend the term for a period one (1) year to expire on June 28, 2024. and

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

1. The Mayor is hereby authorized and directed to execute the amendment between Atlantic County and the City of Somers Point in the form attached hereto.
2. This amendment shall be retroactive to include the initial date of expiration in June of 2023.

Resolution No. 166 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

No. 166 of 2023

Subject: Authorizing purchase of One (1) Jet Vac Equipment 900-Eco 12 Yard Truck Mounted Combination Sewer Cleaner through the Sourcewell (formerly NJPA) National Purchasing Program contract for High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling, Contract Number 101221-SCA, for the Somers Point Sewer Department.

Introduced By: Council President Johnston

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

WHEREAS, the Sourcewell (formerly NJPA) National Purchasing Program has acted as lead agency and awarded Contract # 101221-SCA, High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling with an Expiration Date of 11/29/2025; and

WHEREAS, the City's Sewer Department has Sewer Cleaning Equipment which is becoming increasingly cost prohibitive to maintain and this equipment is so essential in nature that there exists a need to purchase a new sewer cleaning apparatus; and

WHEREAS, Sewer Operator Steve Hornig, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Sourcewell #101221-SCA, High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling, and have determined that the acquisition of one (1) Jet Vac Equipment 900-Eco 12 Yard Truck Mounted

REGULAR MEETING

MAYOR AND CITY COUNCIL

July 27, 2023

Combination Sewer Cleaner is the functional economic solution to replace the City of Somers Point's aging Sewer Cleaning Equipment; and

WHEREAS, it is recommended that City Council approve the acquisition of one (1) Jet Vac Equipment 900-Eco 12 Yard Truck Mounted Combination Sewer Cleaner for the Sewer Department's use throughout the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, that one (1) Jet Vac Equipment 900-Eco 12 Yard Truck Mounted Combination Sewer Cleaner purchased from Jet Vac Equipment LLC, XXX in accordance with the Sourcewell #101221-SCA, High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling, contract for use by the Sewer Department as follows:

Item:

(1) 900-ECO 12 Yard Truck Mounted Combination Sewer Cleaner equipped as follows:

Description:

<u>Vacuum System:</u>	<u>Water System:</u>	<u>Hose Reel & Hose:</u>
4400 CFM Blower (Blower Speed 2200 RPM)	1300 Gallon Capacity Water Tank	Front Mounted Telescoping & Rotating
8" Vacuum Hose system	Giant plunger style triplex	800' X 1" Hose Capacity
18" Hg vacuum rating	65 gpm @ 2000 psi w/ 30 min run dry	10' Leader Hose
Dual Cyclone Separator	Black Duraprolene™ Water Tank Construction	Single Side Controls
Dual Element 10 Micron Final Filter	w/ 10 Year Warranty	<u>Accessories:</u>
Remote Vacuum Relief	Cold Weather Recirculation System	(3) 8" x 6' Extension Tube
Analog Vacuum Display	2.5" Hydrant Fill system	(1) 8" X 3' Extension Tube
(6) Tube / Tube Rack	Air Purge Valve	(1) 8" x 6' Crowned Suction Nozzle
<u>Boom:</u>	Variable Volume Delivery	(1) 6" x 10' Flat Discharge Hose
Telescoping Boom System	Low Water Warning Light	(6) Quick Clamps
Telescoping Reach 17' 2" to 27' 2"	Analog Pressure Display	BB Hose Guide
Hydraulic Powered Boom	Front and Mid Ship Hand Gun Ports	Tri-Star (chisel point) nozzle
180° Working Radius	<u>Electrical:</u>	DD (high flow) nozzle
Boom Joystick Control	NEMA 4 Control Panel	Finned Nozzle extension
<u>Debris Tank:</u>	Hour Meter (Blower & Water Pump)	Nozzle Rack (Mounted midship toolbox)
12 Cubic Yard Capacity	Military Spec. Sealed Switches	25' Fill Hose
Exten Steel Construction	<u>Truck:</u>	Upstream Pulley Guide
Debris Level Indicator	Mounting to Approved Chassis	Washdown gun
Hydraulic Dump, 50° Dump Angle	(1) Alum Toolbox 24"x42"x100" - Behind Cab	Cleaner, Tip,Torch,Small
Dual Ported Rear Door w/ Knife Valve	LED D.O.T. Approved Lighting	(1) Hydrant Wrench
Dump Height 60"	(2) Tow Hooks Front Bumper	(1) Paper Owner's Manual
Hydraulic Open/Close/Lock Door		
Dump Height 60"		
Hydraulic Open/Close/Lock Door		
BASE UNIT AS OUTLINED ABOVE		\$ 330,450.00
		1
		\$ 330,450.00
	SELECTED OPTIONS:	\$ 98,493.98

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

LESS SOURCEWELL DISCOUNT (CONTRACT #101221-SCA)	3%	(\$ 12,868.32)
NET PRICE OF MODULE:		\$ 416,075.66
CHASSIS (WS47X, 6x4, 370Hp, 70000#):		\$ 152,600.00
TRANSPORT / PDI:		\$ 4,800.00
PROPOSED TOTAL:		\$ 573,475.66

Total Amount of Sourcewell #101221-SCA,
High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling from Jet Vac Equipment
LLC..... \$ 573,475.66

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$573,475.66 one (1) Jet Vac Equipment 900-Eco 12 Yard Truck Mounted Combination Sewer Cleaner purchased from Jet Vac Equipment LLC, 195 Green Pond Rd, Rockaway Twp, NJ 07866 in accordance with the Sourcewell #101221-SCA, High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling, contract for use by the Sewer Department in accordance with the Sourcewell National Purchasing Program Contract for High Pressure Jetting, Vacuum, Hydro-Excavating & Recycling, Contract #101221-SCA.

Resolution No. 167 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council President Johnston thanked the administrative staff for a successful audit.

No. 167 of 2023

Subject: Governing Body Certification of the Annual Audit

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

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments – Recommendations, and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments – Recommendations as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who After a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 173 of 2023

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 173 of 2023

Subject: A Resolution Authorizing the Release of Franchise of Coastal Investments of Somers Point, LLC from Somers Point Sewer Utility

Introduced by: Council Members McGuigan, Dill, and Owen

WHEREAS, the City of Somers Point (“City”) pursuant to Chapter 212, Article I, Section 212-1, of the Municipal Code has established a Sewer Utility to service the City’s residences and businesses; and

WHEREAS, Section 212-2, of Article II of Chapter 212, of said Code requires all properties within 200 feet of an existing sanitary sewer to connect to said sewer; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, said section further allows for the disconnection of a sanitary sewer upon having obtained permission from the City; and

WHEREAS, Coastal Investments of Somers Point, LLC (“Coastal”) is the owner of 515 Ocean Heights Avenue in Somers Point; and

WHEREAS, Coastal operates the Platinum Carwash and Auto Spa (“Carwash”) at the aforesaid location; and

WHEREAS, the Carwash is connected to the sanitary sewer on Bethel Road, which is the closest sanitary sewer for the Carwash in the City; and

WHEREAS, in order to connect to said sanitary sewer, the Carwash’s sewer line is required to cross over an adjoining parcel which abuts Bethel Road, and for which Coastal, by and through its business, is required to make payments to the adjoining parcel’s owner; and

WHEREAS, Ocean Heights Avenue does have a sanitary sewer line running down it which is owned and maintained by the City of Linwood; and

WHEREAS, Coastal has made application pursuant to Section 212-2 of the Municipal Code, to the City for a Release of Franchise from the Somers Point Sewer Utility for its property on Ocean Heights Avenue so as to allow it to connect to Linwood’s sewer line; and

WHEREAS, City Council recognizes the unique situation regarding the sewer connection of Coastal’s property, as well as the economic impact of it having to maintain a leasehold estate with the adjoining property owner in order to meet the requirements of maintaining a sewer connection with Somers Point.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City Council of Somers Point that Coastal Investments of Somers Point, LLC is hereby released from its obligation to use the City of Somers Point Sewer Utility’s sanitary sewer line for purposes of connecting to the City of Linwood’s sanitary sewer line.

Resolution No. 174 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 174 of 2023

Subject: A Resolution Authorizing a Lateral Sanitary Sewer Connection Agreement Between Coastal Investments of Somers Point, LLC, the City of Somers Point, and the City of Linwood.

Introduced by: Council Members McGuigan, Dill, and Owen

WHEREAS, the City of Somers Point (“City”) pursuant to Chapter 212, Article I, Section 212-1, of the Municipal Code has established a Sewer Utility to service the City’s residences and businesses; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, Coastal Investments of Somers Point, LLC (“Coastal”) is the owner of 515 Ocean Heights Avenue in Somers Point; and

WHEREAS, Coastal is currently connected to the City’s sanitary sewer system; and

WHEREAS, due to economic issues arising from Coastal’s sanitary sewer line having to cross over an adjoining parcel of property to connect with Somers Point’s sanitary sewer line on Bethel Road, Coastal has made application to the City for a Release of Franchise in order to connect with a sanitary sewer line owned and maintained by the City of Linwood; and

WHEREAS, an Agreement has been prepared to authorizing said connection, which has been executed on behalf of the City of Linwood; and

WHEREAS, by the passage of Resolution No. 173 of 2023, City Council has permitted the Release of Franchise to Coastal from the City’s Sewer Utility system; and

WHEREAS, City Council hereby wishes to enter into the aforesaid Agreement with Coastal and the City of Linwood.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the Mayor and City Clerk are hereby authorized on behalf of the City to enter into a Lateral Sanitary Sewer Connection Agreement with Coastal Investments of Somers Point, LLC, and the City of Linwood.

Consent Agenda Resolutions:

On the motion of Council Member Owen, seconded of Council Member McCarrie and carried to approve the Consent Agenda Resolutions with Council Members McGuigan and Dill recusing themselves from Resolution No. 179.

No. 168 of 2023

Subject: Approving Proposals – Goods and Services 2023

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on January 24th 2023, March 17th 2023, March 21st 2023, April 6th 2023, May 24th 2023, and June 16th 2023 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of April 1st, 2023 to March 31st, 2024:

- a) **Alarm, Monitor, Networking and Ancillary Parts, Installation and Service**
Priority Protection Services LLC
- b) **Celling’s, Flooring, Wall Covering and Partition Material, Materials and**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Installation and Services

ERCO

c) Cellular Communications and Mobile Broadband Services

Verizon

d) Concrete and Masonry Service

Landberg Construction

e) City Hall Custodial Services

Offshore Carpet Cleaning and Janitorial

f) Demolition Services

American Demolition

g) Electrical Contractor Services

Electric-Tech, Incorporation

Calvi Electric Company

Hughes Electric

h) Emergency Sewer Pumps and Equipment

Municipal Maintenance Company

Godwin

i) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Incorporation

Ocean Construction

j) Flags Banners and Miscellaneous Display Items

Display Sales

Metropolitan

k) Gate Equipment Maintenance and Operations

B&B Parking Inc dba "Park Place Parking"

l) Generator Parts and Service

Genserve

m) Hardware Supplies

Shore True Value

Lawson Products

Val-U Auto Parts

n) Heavy Duty Truck Mechanic Services

Clegg's Garage Incorporation

o) Influent Grinders for Sewer Pump Stations

Municipal Maintenance

Watermark Environmental Systems, Inc.

KRS Services

JWC Environmental

p) Information Technology and Networking Services

INSC

All Covered

Mae Tro

q) Leaves and Brush Disposal Site

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

- Atlantic Blueberry Co Inc
- r) **Marketing Services**
Direct Development
Fuerza Strategy Group
Magnum Integrated Marketing
Performance Marketing
Suasion
- s) **Misc. Employee Uniforms**
Action Uniform
- t) **Metal Fabrication and Repair**
Hotfoil-EHS Inc.
Thomas Co Inc
- u) **Plumbing and HVAC Services**
McCloskey Mechanical Contractors Inc
Bilmark
Multi-Temp Mechanical
- v) **Sewer Pump Station Parts & Supplies**
KRS Services
Municipal Maintenance Company
EVOQUA
- w) **Sewer Pump Station Maintenance**
KRS Services
McMloskey Mechanical Contractors Incorporation
Municipal Maintenance Company
CW Sales Corporation
A.C Schultes
West Bay Construction, Incorporation
- x) **Sewer Pump Stations, Electrical & Electronics**
KRS Services
Municipal Maintenance Group
- y) **Sewer System Coating, Lining & Restoration**
The Precision Group
Sewer and Water Evaluation and Rehabilitation Procedures
- z) **Storm Drain Cleaning and Television Inspection**
Mobile Dredging and Video Pipe
- aa) **Recreation Equipment and Installation**
Ben Shaffer Recreation Incorporation
Green Lane Contractors
BSN Sports
- bb) **Roofing Repair and Maintenance**
Dorothy Gale Roofing
East Coast Contracting Roofing and Siding
KMR Enterprises Inc
Roofmax Exteriors LLC

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

- cc) Vactor Parts and Service**
Vacuum Sales Incorporation
- dd) Video Cleaning and Maintenance**
Mobile Dredging and Video Pipe
- ee) Outdoor Farmer's Market Operations and Management**
Rob Hopkins
- ff) Auto Mechanic**
Galloway Auto and Tire
- gg) Animal Control Services**
Animal Control of Atlantic County
- hh) Signage and Misc Repair**
Eastern Signs
Copiers Plus
- ii) Environmental / Asbestos Remediation Monitoring Services**
Environmental Connection
- jj) Electronic Payment Processing Systems**
ParkMobile
Windcave
Comprise Technologies Inc

No. 169 of 2023

Subject: Authorizing the Usage of Contracts with Approved State Contract Vendor Xerox Corporation Pursuant to N.J.S.A. 40A:11-12(a) & N.J.A.C. 5:34- 7.29(c)

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

WHEREAS, the City of Somers Point pursuant to N.J.S.A. 40A: 11-12(a) and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bid proposals, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any contracts entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Somers Point has the need, on a timely basis, to purchase goods or services by utilizing New Jersey State Contract vendors; and

WHEREAS, the City of Somers Point may enter into contractual agreements with State Contract Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the New Jersey Local Public State Contracts Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City's Qualified

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors, XEROX CORPORATION (State Contract G2075) pursuant to all conditions of the individual State Contracts:

ITEM: (2) Xerox AltaLink C8145/H2 Multifunction Printers

TOTAL PRICE: \$ 13,676.40 (5 year lease agreement)

STATE CONTRACT NO: G2075 – XEROX CORP. - COPIERS & MULTI-FUNCTION DEVICES, MAINTENANCE, SUPPLIES & PRINT SERVICES – EXP 08/11/2023

BE IT FURTHER RESOLVED, that the named State Contract Vendors and their corresponding numbers may be subject to change and that the City Purchasing Agent is hereby authorized to make the necessary adjustments as required for the City to continue its routine procurement practices throughout the indicated timeframe.

BE IT FURTHER RESOLVED, that the City Council of the City of Somers Point, pursuant to N.J.A.C. 5:30-SS(b), the certification of available funds and that no contract amount shall be chargeable or certified until such times as the goods or services are ordered or otherwise called for prior to placing the order and a certification of availability of funds shall be made by the City's Chief Financial Officer.

No. 170 of 2023

Subject: A Resolution Appointing a Conflict/Alternate Public Defender for the City of Somers Point Pursuant to N.J.S.A. 2B:24-3

Introduced by: Council President Johnston

WHEREAS, N.J.S.A. 2B:24-3 provides that the governing body of municipality is required to appoint a municipal public defender for the purposes of representing certain indigent defendants in the Municipal Court regarding matters within the jurisdiction of said Court; and

WHEREAS, City Council has appointed a Municipal Public Defender for 2023; and

WHEREAS, from time to time, either a conflict or alternate public defender is necessitated for certain matters in the Somers Point Municipal Court; and

WHEREAS, City Council is desirous of setting the parameters of who may appear as a conflict/alternate public defender in Somers Point's Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that any qualified attorney who practices in Vicinage One of the Superior Court of New Jersey and who fulfills all of the requirements of N.J.S.A. 2B:24-3, may appear as the City's Conflict/Alternate Public Defender, as needed.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

IT IS FURTHER HEREBY RESOLVED that said Conflict/Alternate Public Defender shall be paid per hearing at the same appearance rate as the Municipal Public Defender.

No. 171 of 2023

Subject: Appointment of a Conflict/Alternate Municipal Prosecutor

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point has appointed a Municipal Prosecutor, effective January 1, 2023 to December 31, 2023; and

WHEREAS, from time to time, either a conflict or alternate municipal prosecutor is necessitated for certain sessions and/or matters in the Somers Point Municipal Court; and

WHEREAS, in lieu of appointing one individual, City Council is desirous of setting the parameters of who may appear as a conflict/alternate municipal prosecutor in Somers Point's Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that any qualified attorney who has been appointed as a municipal prosecutor or as conflict/alternate municipal prosecutor in Atlantic County, may appear as the City's Conflict/Alternate Municipal Prosecutor, as needed.

IT IS FURTHER HEREBY RESOLVED that said Conflict/Alternate Municipal Prosecutor shall be paid per session rate as the Municipal Prosecutor.

No. 172 of 2023

Subject: A Resolution Authorizing the Suspension of Fees for the Use of the Boat Ramp at John F. Kennedy Park

Introduced by: Council Members McGuigan, McCarrie and Owen

WHEREAS, the City of Somers Point ("City") owns and maintains two (2) boat ramps in the City, one at the Route 52 Bridge and one at John F. Kennedy Park (JFK); and

WHEREAS, City Council by Resolution No. 103-2023 set fees for the use of its two boat ramps for the year 2023; and

WHEREAS, on August 5 & 6, 2023, the City will hosting a certain boating event off of JFK which will require use of the boat ramp at JFK for the participants of said event; and

WHEREAS, the City Council believe the aforesaid boating event promotes the City, as well as celebrates its nautical history; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, City Council supports the aforesaid boating event; and
NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the fees for the public use of the City’s boat ramp located at John F. Kennedy Park are hereby suspended on the dates of August 5 & 6, 2023.

No. 175 of 2023

Subject: Resolution Establishing a Change Fund for the Construction Office

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

WHEREAS from time to time the Construction Office is required to make change for cash payments received; and

WHEREAS there exists a need to maintain such a fund for use of operation of the City of Somers Point’s Construction Office; and

WHEREAS New Jersey State regulations allow change funds to be established by an initial resolution and to continue from year to year without additional governing body action until such time as they take action to have funds returned; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City of Somers Point in the County of Atlantic and State of New Jersey that the Construction Office establish a change fund to an amount not to exceed fifty dollars (\$50.00) for the purpose of making change to insure the proper exact payment due is paid.

BE IT FURTHER RESOLVED that said change fund be safely secured in keeping with established prudent business practices; and

BE IT FURTHER RESOLVED that said change fund be used to make change only and shall not be used to purchase goods and/or services of any kind.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to establish the change fund in the amount of fifty dollars (\$50.00) for use as set forth in the resolution.

No. 176 of 2023

A Resolution Authorizing the Submission of All Applications and Other Required Documents for Financing Under the New Jersey Infrastructure Bank Financing Program for Various Clean Water Projects in and by the City of Somers Point, County of Atlantic, State of New Jersey

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

WHEREAS, the City of Somers Point, in the County of Atlantic, State of New Jersey (the “City”), intends to file applications with the New Jersey Department of Environmental Protection (“DEP”) and the New Jersey Infrastructure Bank (the “I-Bank”) for the financing of several clean water projects involving the upgrading and improvement of two (2) pumping stations, various stormwater drainage improvements, and shoreline stabilization improvements (collectively, the “Projects”) under the New Jersey Infrastructure Bank Financing Program (the “NJIB Program”); and

WHEREAS, City Council of the City believes that it is in the best interest of the City to file the applications with DEP and the I-Bank for the financing of the Projects.

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

Section 1. That Jack Glasser, Mayor, Shana Kestrel, Chief Financial Officer of the City, and Jason Frost, City Administrator are each hereby authorized to act as the Authorized Representative to represent the City of Somers Point in all matters relating to the Projects undertaken pursuant to the above referenced NJIB Program to be executed with the New Jersey Department of Environmental Protection and the New Jersey Infrastructure Bank. The Authorized Representatives may be contacted at the City of Somers Point, One West New Jersey Avenue, Somers Point, New Jersey 08244, Phone No. 609-927-9088, extension 136.

Section 2. The City hereby authorizes the Authorized Representatives to file all applications as may be required for loans under the NJIB Program and to execute and deliver all applications, documents, bonds, instruments, or closing certificates as may be required in connection with such loan program.

Section 3. This Resolution shall take effect immediately.

No. 177 of 2023

Resolution Authorizing and Supporting Applications for Sustainable Jersey Grants

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

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

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 both the Environmental Stewardship and Resilience Grant Programs.

No. 179 of 2023

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

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

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

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

Whereas, the 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

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 9, 2023.

Old Business:

None

New Business:

- Approval of Social Affair Permit for Somers Point Historical Society for 09/09/2023 from 12:00 p.m. to 6:00 p.m. at the John F. Kennedy Park for Goold Old Days. Council Members McGuigan and Dill recused themselves.
- Request from Christopher Szymczak to Vacate Dobbs Avenue next to B. 176, Lot 1. Solicitor Smith recommended not vacating this paper street due to the possible need for it in the future. City Council voted not to Vacate Dobbs Avenue next to B. 176, Lot 1.
- Approval of Greate Bay Fireworks Display on 8/26/2023 contingent on the approval from the Police Chief and Fire Chief.

Discussion of Bills:

Administrator Frost reported a Bill List dated 7/25/2023 in the amount of \$3,081,543.67, a Record of Payment dated 7/11/2023 in the amount of \$1,732,830.74, and an Additional Bill List dated 7/26/2023 in the amount of \$8,000.00.

Public Portion:

The meeting was duly opened to the public.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Craig Schenck of the Ocean City Sentinel apologized to the public and City Council members for the comments he made at a previous meeting.

Carol Zerbe of 1414 Massachusetts Avenue shared her unease with the dangers of electric bikes and scooters.

Matt Caroluzzi of 123 Higbee Avenue asked for the status of the use of electric low speed vehicles in the City.

Maureen Helbig of 106 East Dawes Ave expressed her disappointment in the aggressiveness between the Council Members.

Rich Croft of Berlin, New Jersey, asked about the time frame for the second reading of Ordinance No. 19 of 2023.

Patricia Pierson of 587 marks Road asked for clarification on Resolution No. 166 of 2023 and explained that she does not agree with Ordinance No. 19.

Jim and Jennifer Delcane of Galloway Township thanked City Council for introducing Ordinance No. 19 of 2023 and expressed interest in opening a store.

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

Payment of Bills:

M/S: Owen/McCarrie

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 the Governing Body:

Council Member Dill requestd City Clerk Samuelson to include in the minutes, in its entirety, the Police Chief’s letter of recommendation:

Good morning all,

I hope this memo finds you well. I am writing to express my concerns regarding the potential implementation of retail cannabis sales within the city of Somers Point. I would like to bring the following reasons to your attention, which I believe warrant careful consideration:

Impact on Public Safety:

REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2023

The legalization of retail cannabis sales may lead to increased instances of impaired driving and public intoxication. Studies have shown that the consumption of cannabis can impair cognitive functions and motor skills, making it a potential risk on our roadways and public spaces. This will place an additional burden on law enforcement to enforce impaired driving laws and maintain public order. Additionally, The NJ Attorney General has yet to finalize and release law enforcement guidance on the exact quantitative levels to prove impairment in the court of law.

Criminal Activity:

Retail cannabis establishments may become potential targets for criminal activity, including theft, burglaries, and armed robberies. The large quantities of cannabis and cash on the premises can attract criminal elements to our city, posing significant challenges to law enforcement in ensuring the safety of both businesses and residents.

Challenges in Regulation and Enforcement:

The establishment of a regulatory framework for cannabis sales will require additional resources and specialized training for law enforcement personnel to effectively monitor and enforce compliance with the new laws. This could strain our department's already limited resources and create challenges in identifying and responding to potential violations. Keep in mind, cannabis is still an illegal substance to possess and use Federally.

Impact on Youth:

The presence of retail cannabis stores may inadvertently expose young people to cannabis and normalize its use. This may lead to an increase in cannabis use among minors, potentially affecting their health, academic performance, and future opportunities. We must consider the potential impact on our youth and take measures to protect them from exposure to substances that can harm their development.

Community Divisions:

The decision to allow retail cannabis sales can be polarizing, leading to divisions within the community, including among our business members. It is essential to carefully consider the desires and concerns of all community members before proceeding with any decision that may have far-reaching social consequences.

Generally speaking, placing a cannabis facility in the center of the route 9 business district which backs up to residential neighborhoods should be reconsidered.

Given these considerations, I recommend conducting thorough public forums and consultations with community stakeholders to gather their feedback on the matter. Additionally, if the Council were to decide to move forward with this concept, I suggest developing comprehensive regulations that address these concerns and prioritize public safety while adhering to state laws. I say this with all due respect, this cannabis law in NJ is new. The potential negative outcomes are not able to be weighed at this time with scientific data. Waiting to see how are neighboring communities fair in time with their facilities is probably a wise decision.

Please be assured that I remain committed to supporting the safety and security of our community. Should you require any further information or assistance, please do not hesitate to reach out to me.

Thank you for your attention to this matter.

Best Regards,
Robert C Somers
Chief of Police

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 27, 2023**

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Bruno seconded and carried to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved 8/24/2023