

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 18, 2022**

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

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

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelson, City Solicitor Thomas Smith, and City Engineer Paul Kates

Open Public Meetings Act:

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

On the motion of Council Member Dill, seconded by Council Member McCarrie and carried to approve a 48-hour waiver to add Resolution Numbers 177 and 178 to the agenda.

Communications:

None

Mayor's Report:

Mayor Glasser commended the Police Department on the successful events put on this summer. He also gave kudos to Police Chief Secretary Kate Mackenzie for her work organizing these events. Myor Glasser mentioned the crew from the USS N.J. will be visiting Somers Point. He also mentioned he visited Glasser, N.J. and spent time with the Mayor.

Administrator's Report:

Administrator Frost reported the City is moving forward with the grant received in conjunction with Longport to manage and maintain flood elevation information. He also reported a proposed Eagle Scout project at Richard Somers Park. He will be sending a plan over for Council to review. Administrator Frost also reported the Fire Department will be holding a drill at Shore Road and Pleasant Avenue on August 21, 22 and 28th.

Solicitors Report:

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Solicitor Smith reported on the importance of Resolution 168, a Resolution Urging The New Jersey State Legislature to Reform the Open Public Records Act.

Engineers Report:

Engineer Kates reported Atlantic Avenue Phase I is complete and milling in preparation for paving. The project is underway and scheduled to be completed before the start of school. He also reported the 2021 stormwater improvements are complete and the 2022 Stormwater Phase I improvements are underway.

Committee Reports:

Council Member Owen reported the Historical Society is sponsoring some upcoming events such as a movie at the Somers Point Historical Society, and the Good Old Days Festival. He also mentioned some upcoming events at the Gateway Theater.

Approval of Minutes:

None

Ordinances:

Ordinance No. 17 of 2022

M/S- Dill/McCarrie

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

(Second Reading/Public Hearing/Adoption)

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

ORDINANCE NO. 17 of 2022

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

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

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

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

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

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

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

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

I. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

J. If there are no findings of a lead-based hazard in the initial or any subsequent inspection conducted pursuant to the provisions of Subsections H and I above, the lead evaluation inspector or representative of the City shall certify the unit as lead-safe, on

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a form proscribed by the Department of Community Affairs. This lead-safe certification shall be valid for two years. A copy of this certification shall be provided to the tenants of the unit inspected.

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

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

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

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

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

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

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Ordinance No. 18 of 2022

M/S- Owen/Dill

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

(Second Reading/Public Hearing/Adoption)

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

No. 18 of 2022

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

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

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

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

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

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

ARTICLE V

Pay-to-Run

§29-24 – General Enactment

Commencing as of January 1, 2022, the City of Somers Point shall make payments to qualified firefighters from the recognized Fire Companies who respond to fire calls. The enactment of this Article recognizes that payments for fire call responses are being made

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in lieu of the any clothing allowance previously allowed pursuant to ordinance. No clothing allowance shall be made for service by a firefighter subsequent to December 31, 2021. The payments made herein are subject to the obligations of the City of Somers Point and the City’s Fire Department as set forth in Article V, and shall be referred to as “Pay-To-Run” payments.

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

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

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

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

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

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A. Within fourteen (14) days of enactment of this ordinance, and by January 10 each year thereafter, each of the City’s recognized Fire Companies shall provide to the Administrator:

- (1) Its Companies agreed upon guidelines, rules and regulations which it is using to determine when a fire fighter qualifies to be compensated by the City of Somers Point in connection with responding to fire calls (“qualified firefighter”); and
- (2) The methodology that each recognized Fire Company will use in order to keep track of the response to fire calls for each of its qualified firefighters.

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

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

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

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

Ordinance No. 19 of 2022

M/S- Owen/Dill

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

(Second Reading/Public Hearing/Adoption)

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

No. 19 of 2022

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

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

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

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

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

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

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

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

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

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

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

Ordinance No. 20 of 2022

M/S- Dill/Owen

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

Council Member McCarrie questioned how this would affect commercial property.

Council Member McGuigan confirmed this is a modification of a current ordinance.
No. 20 of 2022

An Ordinance Amending Chapter 169 Article VII, Mortgagee Registration Requiring the Registration and Maintenance of Certain Real Property by Mortgagees, Providing for Penalties and Enforcement, as well as the Regulation, Limitation and Reduction of Abandoned Real Property within the City of Somers Point, County of Atlantic; and Providing for Severability, Repealer, Codification, and an effective Date

Statement of Intent and Purpose.

Whereas, on August 28, 2014, the City of Somers Point adopted by Ordinance No. 24 of 2014 a Mortgagee Registration Ordinance which has been included in the Somers Point City Code as Article VII of Chapter 169 as same has been subsequently amended and supplemented; and

Whereas it is in the public interest for the City of Somers to amend the process to mitigate the amount of deteriorating property located within the City, which is vacant or foreclosed and to amend the registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of vacated and foreclosure properties; and

Whereas, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

Whereas, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

Whereas, the City has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

Whereas the City desires to amend its City Code in order to participate in the County-wide registration program established by the Atlantic County Improvement Authority that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

Whereas it is in the public interest for the City to establish minimum standards of accountability on the owners or other responsible parties of vacant and foreclosure properties in order to protect the health, safety, and general welfare of the residents of the City; and

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Whereas the purpose of the recommended changes is in light of P.L. 2021, c. 444.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Somers Point, Atlantic County, New Jersey, that Article VII of Chapter 169 of the Municipal Code be amended as follows:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof

SECTION 2. That the Governing Body hereby amends the Code of the City of Somers Point amending Chapter 168 Article VII "Mortgagee Registration" to read as follows:

CHAPTER 169 ARTICLE VII. MORTGAGEE REGISTRATION

§ 169-71 Purpose and intent.

It is the purpose and intent of this article to amend the process to mitigate the amount of deteriorating property located within the City of Somers Point, which is in foreclosure, or where ownership has been transferred to a lender or mortgagee by any legal method. It is further intended to improve the registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties during the foreclosure process.

§ 169-72 Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the State of New Jersey Building Code shall apply. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

ABANDONED REAL PROPERTY

- A.** Any real property that is vacant and that has had a lis pendens filed against it by the lender holding a mortgage on the property, and/or is subject to an ongoing foreclosure action by the mortgagee, and/or is under a notice of mortgagee's sale, and/or properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure sale, a short sale or any other legal means.

- B.** For the purpose of registration and enforcement, "abandoned real property" also means any real property that is occupied and that has had a lis pendens filed against it by the lender holding a mortgage on the property, and/or is subject to an ongoing foreclosure action by the lender, and/or is under a notice of mortgagee's sale, and/or

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properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure sale, a short sale or any other legal means.

- C. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner through an arm's length transaction, or the foreclosure action has been dismissed.

ACCESSIBLE PROPERTY

A property that is accessible through a compromised/breached gate, fence, wall, etc.

ACCESSIBLE STRUCTURE

A structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

ANNUAL REGISTRATION

Twelve (12) months from the date of the first action that requires registration, as determined by the Town, or its designee, and every subsequent twelve (12) months. The date of the initial registration may be different than the first action that required registration.

BLIGHTED PROPERTY

- A. Properties that have broken or severely damaged windows, doors, walls, or roofs or other code deficiencies which create hazardous conditions and encourage trespassing;
- B. Properties cited for a public nuisance pursuant to the Somers Point City Code; or
- C. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Municipal and Zoning Codes.

CITY

The City of Somers Point.

COMMERCIAL PROPERTY

Any real property and structure(s) for other than residential use.

DAYS

Consecutive calendar days.

DEFAULT

When a mortgagee declares said mortgage to be in default either in writing, by recording a complaint for foreclosure, lis pendens, or commences foreclosure proceedings.

ENFORCEMENT AUTHORITY

The Code Enforcement Office, the Department of Public Works, the Police Department, and any other department designated as such by the City Administrator.

ENFORCEMENT OFFICER

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Any full-time or part-time law enforcement officer, building official, fire inspector or code enforcement officer employed by, contracted for, or servicing the City of Somers Point.

EVIDENCE OF VACANCY

Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water, or other utilities turned off, stagnant swimming pool, statements by neighbors, passersby, delivery agents or government agents, among other evidence.

FORECLOSURE OR FORECLOSURE ACTION

The legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

LOCAL PROPERTY MANAGER

An individual property manager, property management company, property maintenance company or similar entity located within the State of New Jersey, designated by the owner or mortgagee who is responsible for the maintenance of real property as required by this Chapter.

MORTGAGEE

The creditor, including but not limited to, mortgage service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY

Any real estate, residential property, or portion thereof, located in the City, including buildings or structures situated on the property. For the purposes of this section only, "property" does not include property owned or subject to the control of the City or any of its governmental bodies or agencies.

PUBLIC NUISANCE

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All abandoned property is hereby declared to be a public nuisance, the abatement of which, pursuant to the police power, is hereby declared to be necessary for the health, welfare, and safety of the residents of the City of Somers Point.

PUBLIC PROPERTY

All waterways, lands and improvements owned by governmental body or any governmental agency including but not limited to easements and rights-of-way.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

SECURING

Taking measures that assist in making the property inaccessible to unauthorized persons.

VACANT

Any property not currently legally occupied and not properly maintained or secured.

§ 169-73 Applicability.

This article relates to foreclosure and/or vacant property. This chapter shall be considered cumulative and is not superseding or subject to any other law or provision for same but shall rather be an additional remedy available to the City of Somers Point in addition to, above and beyond any other state, county and/or local provisions for same; and in addition to any other remedies in law or equity not set forth herein.

§ 169-74 Registration of foreclosure properties; duty to provide written notice.

A. Registration of real property by Mortgagee:

- (1) Any mortgagees as defined in § **169-72** must register foreclosing properties with the Somers Point Code Enforcement Office on forms to be provided by the Code Enforcement Office.
- (2) All registrations must state the Mortgagee's and agent's name, phone number and mailing address. The mailing address may not be a P.O. box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the registrant must designate and retain an individual or local property management company responsible for the security and maintenance of the property within the State of New Jersey. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P.O. box.
- (3) The registration must be received within 10 days of the initiation of the foreclosure process as required by N.J.S.A. 46:10B-51.

B. Any mortgagee who holds a mortgage on real property located within the City of Somers Point shall perform an inspection of the property that is the security for the mortgage, upon default, as evidenced by a foreclosure filing against the property. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee

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shall, within 10 days of the inspection, register the property with the Code Enforcement Officer, his or her designee, or other authorized representative, on forms provided by the City of Somers Point Code Enforcement Office. A separate registration is required for each property, whether it is found to be vacant or occupied.

- C. If the property is occupied but remains in foreclosure, it shall be inspected by the Mortgagee or their designee monthly until the foreclosure is resolved.; or, if the property is found to be vacant or shows evidence of vacancy, at which time it is deemed to be abandoned, the mortgagee shall, within 10 days of that inspection, register the property with the Code Enforcement Officer on forms provided by the City of Somers Point Code Enforcement Office. A registration is required for each foreclosure property.
- D. All registrations pursuant to this section shall contain at a minimum the name of the Mortgagee along with the corresponding mailing addresses of both mortgagee/servicer, e-mail addresses, and telephone numbers. The mailing address may not be a P.O. box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the mortgagee, and/or registrant must designate and retain an individual or local property management company responsible for the security and maintenance of the property within the State of New Jersey. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P.O. box.
- (1) The local property manager shall be responsible to inspect, secure and maintain the property. The local property manager named in the registration shall be located within New Jersey and available to be contacted Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excepted.
- (2) A 24/7 contact number for the local property manager shall also be provided to be used in the event of an emergency.
- E. Annual registration.
- (1) All property registrations are valid for one year from the date the property was required to have been registered.
- (a) The initial registration fee is \$500 and must accompany the registration form.
- (b) Subsequent annual registration fees are \$500 and must accompany the registration form.
- (c) All applications and fees are due by the registration date specified in Code § **169-74**. All renewal applications and fees are due on the expiration of the prior annual registration. Registration fees and renewal fees will not be prorated or refunded and are in addition to any fines, penalties or assessments which may be imposed under Code § **169-79**, including penalties for late registration.

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(d) If the Foreclosure Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

(e) All registration fees must be paid directly from the mortgagee, servicer, trustee, or owner. Third party registration fees are not allowed without the consent of the City and/or its authorized designee.

(2) No governmental agency is required to pay the annual registration fee.

(3) properties subject to this section shall remain under the annual registration requirement, inspection, security, and maintenance standards of this section as long as they remain abandoned, as defined herein, or are vacant.

F. Change in status.

Any mortgagee that has registered a property under this chapter must report any change of information contained in the registration within 10 calendar days of the change. There is no fee for modifying contact information if the organizational information remains the same and within one year of the last registration payment.

G. Failure of the mortgagee to properly register or to revise from time to time the registration to reflect a change of circumstances as required by this chapter is a violation of this and may result in a citation by the Code Enforcement Office with subject to the penalty provided herein.

H. Pursuant to a finding and determination by the Code Enforcement Officer or the Somers Point Police Department that any property is in violation of the City ordinance or ordinances, and if not corrected within 30 calendar days following receipt of written notice to the owner or mortgagee, the City may take the necessary action to ensure compliance with its ordinance(s) and place a lien(s) on the property for the cost of the work performed to benefit the property and to bring it into compliance, which lien may be assigned to either the entity that performs the work or arranges to have the work performed.

I. At such time that the property becomes abandoned, the owner or mortgagee shall submit a no trespass affidavit with the Code Official and/or assignee that the property has been posted as "No Trespass."

§ 169-75 Maintenance requirements.

A. The owner of any property subject to this article shall:

(1) Keep the property free of:

(a) Dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local

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law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned or not being properly maintained.

- (b) Weeds, overgrown brush, or dead vegetation over the height limitations imposed by the Somers Point Municipal Code. The obligation to maintain shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings and weeds.
 - (c) Rubbish, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris, dead and dying trees or other natural growth which, by reason of rotting or deteriorating condition or storm damage within 50 feet of a structure on an adjacent property or public right-of-way which constitutes a hazard to persons or structures in the vicinity thereof; and
 - (d) Dilapidated bulkheads.
- (2) Maintain property on which and along which sidewalks and curbs are located in proper condition and good repair, free of obstruction, debris, or other unsafe conditions, projections, obstructions, icy conditions, and snow accumulation.
 - (3) Maintain the property free of graffiti or similar markings by removal or painting over with an exterior-grade paint that matches the color of the exterior structure. Yards shall be landscaped and maintained pursuant to the standards set forth in the Somers Point City Code and the International Property Code. Landscaping shall include, but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential, commercial, or industrial installation, as applicable. Landscaping shall not include weeds, gravel, broken concrete, asphalt, or similar material.
 - (4) Keep pools, fountains, ponds, and spas in working order or properly winterized and covered or lawfully demolished so that pool, fountain, pond, and spa water remains free and clear of pollutants and debris. Pools, fountains, ponds, and spas shall comply with the enclosure requirements of the Somers Point Municipal Codes and the State of New Jersey Building Code. Demolition or removal of pools, fountains, ponds, and spas shall be performed in compliance with the New Jersey Building Code, the Somers Point Municipal Code, and all other applicable laws, rules, and regulations.

B. Failure to maintain. Failure of the owner to properly maintain the property as required by this article is a violation of the Somers Point Municipal Code and may result in the issuance of a citation by the Code Enforcement Officer. Pursuant to a finding and determination by the Code Enforcement Officer that any property is in violation of a City ordinance or ordinances, the City may take the necessary action to ensure compliance with its ordinances and place a lien(s) on the property and assign it as provided elsewhere herein.

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C. Maintenance to comply with applicable laws, codes, rules, and regulations. Properties subject to the requirements of this article must be maintained in accordance with all applicable federal, state, and local laws, rules, and regulations. The owner or local property management company must inspect the property twice a month for the duration of the vacancy.

D. Posting of notice on vacant or abandoned property.

(1) When a property becomes vacant, within not less than 10 calendar days following the date it becomes vacant, the property shall be posted with the name and twenty-four-hour contact telephone number of the local property manager. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language: "THIS PROPERTY IS MANAGED BY (Name of Local Property Manager). TO REPORT PROBLEMS OR CONCERNS, CALL (Telephone Number of Local Property Manager)." The sign shall be kept properly maintained and legible during the period of the vacancy.

(2) The posting shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials. The posting shall be kept properly maintained and legible during the period of the vacancy.

E. Not exclusive. Adherence to this section does not relieve the owner of any applicable obligations set forth in this code, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

§ 169-76 Security requirements.

A. Properties subject to this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. A secure manner shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child or adult to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or boarding.

C. The local property manager shall inspect the vacant or abandoned property on a biweekly basis to ensure that the property is in compliance with this article. Upon the request of the City of Somers Point Code Enforcement Officer or his designee, the local property manager shall provide a copy of the inspection reports to the Code Enforcement Officer.

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D. Failure of the owner or local property manager to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this article and shall result in the issuance of a notice of violation by the Code Enforcement Officer or his or her designee.

(1) Pursuant to a finding and determination by the Code Enforcement Officer or his or her designee that any property is in violation of any City ordinances or other applicable codes or regulations, the City of Somers Point City Administrator or his designee may take the necessary action to ensure compliance with this section, and place a lien(s) on the property and assign it as provided elsewhere herein.

§ 169-77 Additional authority; penalty.

A. The Code Enforcement Officer or Somers Point police officer, or other designee or authorized representative, shall have authority to require the owner of any property affected by this article to implement additional maintenance and/or security measures, including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.

B. Whoever interferes with, obstructs, or resists any enforcement officer or any person authorized by the enforcement officer in the discharge of duties as provided in this article shall be punishable as provided in this article, by any applicable code, or as determined by a court of competent jurisdiction.

§ 169-78 Inspections.

The enforcement authority shall have the authority and the duty to inspect properties subject to this article for compliance and to issue summonses for any violations.

§ 169-79 Violations and penalties.

A Failure to initially register with the enforcement authority is punishable by a fine of \$500.

B. Failure to report any change of information contained in the registration within 10 calendar days of the change is punishable by a fine of \$500 for each day after the expiration of the 10th calendar day continuing through to the day prior to the date on which the information shall have been supplied.

C. Failure of an in-state creditor to identify the name of the individual or property management company is punishable by a fine of \$500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

D. An out-of-state creditor found by the municipal court of the City of Somers Point, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent pursuant to this article shall be subject to a fine of \$2,500 for

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each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) for providing notice to the municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

E. A creditor found by the municipal court of the City of Somers Point, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

(1) In addition to the fine set forth above, the creditor shall be responsible for the costs associated with the cleanup, including, but not limited to, tipping fees and overtime for use of personnel and equipment which shall constitute a lien on the property.

F. Where the property is vacant or shows evidence of vacancy, and foreclosure proceedings have not been initiated, the failure of an owner or creditor to file a registration within the required ten-day period following the enforcement authority's first notice of violations or summons for improper maintenance is punishable by a fine of \$500 per day which shall commence on the day after the ten-day period set forth in § 169-73 has expired.

G. Failure to renew a Vacant property registration with the enforcement authority is punishable by a fine of not less than \$500 nor greater than \$2,000 per occurrence. Each day during which the registration was not renewed following its expiration shall be deemed a separate occurrence.

H. As required by N.J.S.A. 48-2.12s, no less than 20% of any money collected pursuant to this section shall be utilized by the municipality for municipal code enforcement purposes.

I. In all cases where, after expiration of the notice and opportunity to comply with any of the requirements set forth in § 169-75, such condition is corrected by the City by or under the direction of the Department of Public Works or by a contractor retained by the City, including, but not limited to, mowing, removal of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris removed from any lands or property, the Director of Public Works or Contractor, as the case may be, shall certify the cost thereof to the City Administrator who shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said lands.

(1) The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands,

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the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

J. Nothing contained herein shall prevent the Department of Public Works, in a case of an unregistered or delinquent registered owner, from cleaning up the property on an as-needed basis and imposing a lien against the property for costs associated for cleanup as set forth in this section.

K. Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the City Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14 and this Code.

§ 169-80 Implementation and compliance.

Upon the effective date of the ordinance from which this article derives, any existing vacant or foreclosing properties shall have 30 days to comply with the provisions of this article.

§ 169-81 Supplemental provisions.

Nothing contained in this article shall prohibit the City of Somers Point from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by the Somers Point Municipal Code or applicable law.

§ 169-82 Registration fees and penalties amendment requirement.

The registration fees and penalties contained in this Article and the provisions set forth herein may be amended only by an ordinance adopted by the Somers Point City Council.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on after final passage and publication as provided by law.

Resolutions:

Clerk Samuelson read by title only the list of resolutions.

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Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of Marks Road mentioned her concerns regarding the budget.

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

Resolution No. 167 of 2022

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 167 of 2021

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 2021 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

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,

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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. 168 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 168 of 2022

Subject: A Resolution Urging the New Jersey State Legislature to Reform the Open Public Records Act

Introduced by: Council President Johnston

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff- not only in the Clerk's office - but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney's fees; conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddied by subsequent, voluminous and often-

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conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians and legal counsels to protect the safety and welfare of the general public; and

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, now perpetuates rampant and dangerous degrees of for-profit data-mining,

unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, and all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-

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large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost; and

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

- Immediate creation of a study commission on OPRA.
- Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.
- Provide a universal platform for clear and concise guidance for records custodians. Such guidance should be in place prior to any laws that impact OPRA going into effect.
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOBs), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.

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- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.
- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Somers Point find it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act; and

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks' Association, the Bergen County Municipal Clerks' Association, the New Jersey State Association of Chiefs of Police, the Bergen County Police Chiefs' Association and the Atlantic County Municipal Clerks' Association.

Resolution No. 169 of 2022

M/S- TABLED

On the motion of Council Member Dill, seconded by Council Member McCarrie and carried to table Resolution 169 of 2022.

**RESOLUTION
No. 169 of 2022**

AUTHORIZING EXECUTIVE SESSION

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

Introduced By: Council President Johnston

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

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WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the Special COAH / REDEVELOPMENT Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 18, 2022, during a public meeting to be held commencing at 7:00 P.M, and

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

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

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

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Action by City Council.

Resolution No. 170 of 2022

M/S- TABLED

On the motion of Council Member Dill, seconded by Council Member Bruno and carried to table Resolution 170 of 2022.

No. 170 of 2022

Subject: A Resolution Approving a First Amendment to a January 1, 2016, Shared Services Agreement between the City of Somers Point and the Atlantic County Improvement Authority regarding Mortgagee Property Registration of Abandoned Properties and Properties in Foreclosure Mortgagee Property and Enforcement

Introduced by: Council President Johnston

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

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

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

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

Now, therefore, it is hereby RESOLVED by the Somers Point City Council that the Mayor is

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hereby authorized to execute and deliver a First amendment to the Shared Services Agreement in the form attached hereto, a copy of which is on file in the office of the City Clerk.

Resolution No. 171 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 171 of 2022

Subject: Authorizing Advertising Bids for 2022 Stormwater Pipe Cleaning and Video Inspection

Introduced By: Council Member Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to clean various stormwater pipes and inspect the condition of those pipe; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2022 Stormwater Pipe Cleaning and Video Inspection; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 172 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 172 of 2022

Subject: Authorizing Advertising Bids for 2022 Stormwater Improvements – Phase II

Introduced by: Council Member Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to make various stormwater improvements; and

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2022 Stormwater Improvements Phase II; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 173 of 2022

M/S- McCarrie/Owen

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

No. 173 of 2022

AUTHORIZING EXECUTIVE SESSION

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

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the Special COAH / Redevelopment Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 18, 2022, during a public meeting to be held commencing at 7:00 P.M, and

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

1 “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the

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extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

Advice of Counsel and attorney client communication regarding the status of negotiations between the City and the PBA relative the Superior Officers’ contract.

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Action by City Council.

Resolution No. 174 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 174 of 2022

Subject: Change Order 1 – FY 2021 Municipal Aid West Atlantic Avenue – Phase II - Contract No. 110

Introduced by: Council Member Dill

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WHEREAS, in accordance with Resolution 87 of 2022, Landberg Construction, LLC of Dorothy NJ, was awarded the contract for the FY 2021 Municipal Aid West Atlantic Avenue – Phase II for the sum of \$796,053.39; and

WHEREAS, the City desires to install five (5) bike racks and associated concrete pads in the Bay Avenue Neighborhood Preservation Program Area; and

WHEREAS, Landberg Construction, LLC provided the lowest quote; and

WHEREAS, the City Engineer has recommended approval of these changes; and

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

Contract Amount	\$796,053.39
Change order 1	\$22,250.00
Revised Contract Amount	\$818,303.39
Total Deduction: \$0 Total Additional:	\$22,250.00 Net Change: 2.80%

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 FY 2021 Municipal Aid West Atlantic Avenue – Phase II is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 175 of 2022

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 175 of 2022

**Subject: A Resolution Suspending Late Fees in 2022 Imposed by Chapter 95
of the Somers Point Code**

Introduced by: Council President Johnston

WHEREAS, Sections 95-1 and 95-2 of Chapter 95 of the City Code set forth requirements for the registration of certain business operations in the City of Somers Point; and

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WHEREAS, Section 95-4 of said Chapter not only sets forth the fee for such registration, but also includes a late fee to be imposed when such registration does not occur by the due date for same; and

WHEREAS, the City Clerk’s Office of Somers Point has recently engaged in an effort to ensure compliance by all businesses with the registration requirements of Chapter 95 of the City Code by mailing out reminder notices to those not in compliance with said filing requirements; and

WHEREAS, said actions were undertaken after an internal audit wherein it became apparent that many businesses in the City had not been previously registered and their operators were unaware of the aforesaid registration requirements; and

WHEREAS, City Council recognizes that compliance of the registration requirements is the goal, and that with significant amount of business operators being unaware of these requirements, a waiver of the late fees for the year 2022 would be appropriate under the circumstances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that provision for late fees pursuant to Section 95-4 of Chapter 95 of the City Code, is hereby suspended for the year 2022.

Resolution No. 176 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 176 of 2022

Subject: A Resolution in Support of the County’s Application for a Federal Grant for the Reconstruction of the Jobs Point Bridge on Atlantic County Road 559.

Introduced by: Council President Johnston

WHEREAS, Atlantic County Road 559 (“CR 559”), also known as Somers Point-Mays Landing Road, is one of the primary roads for access into and out of the City of Somers Point (“City”); and

WHEREAS, many residents of the City use CR 559 to gain access to portions of Egg Harbor Township and Hamilton Township, as well as to Highway 40 which leads to the Delaware Memorial Bridge; and

WHEREAS, it has over the years become an access for vacationers visiting the City during the summer months; and

WHEREAS, pursuant to correspondence of August 4, 2022, a copy of which is attached, the City Council for the City of Somers Point was notified by the Atlantic County

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Executive, Dennis Levinson, that Jobs Point Bridge located on CR 559, needs to be replaced; and

WHEREAS, the aforesaid correspondence further indicates that Atlantic County is in the process attempting to obtain funding by way of a grant which may be available in connection with the federal Infrastructure and Investment Act which would help offset a portion of the associated costs for the bridge replacement; and

WHEREAS, City Council recognizes the importance to the City, its residents and businesses of the Jobs Point Bridge replacement, and wishes to support Atlantic County in its attempt to obtain funding through the grant process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that it hereby supports the actions of the County of Atlantic in its endeavor to obtain grant funding to assist in the replacement of the Jobs Point Bridge on CR 559.

IT IS FURTHER HEREBY RESOLVED, that a copy of the within Resolution shall be sent to the Atlantic County Executive to be used in connection with any grant application to obtain funding for said bridge replacement.

Resolution No. 177 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present with Council Member McGuigan recusing.

No. 177 of 2022

Subject: A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire One Part-Time Class II Police Officer

Introduced By: Council President Johnston and Council Members McCarrie and Bruno

WHEREAS, as a result of an added burden on the Police Department due to an increase in Firearm Permit and Concealed Carry Permit applications the Chief of Police has submitted a request for authorization to hire one Part-Time Class II Officer to fill assist the Police Department with these requests, which request has been supported by the Mayor; and

WHEREAS, the Chief of Police recommends the hiring of Michael Sweeney who had previously worked for the Police Department over 25 years and retired effective December 31st, 2020; and

WHEREAS, when specifically authorized by the Chief of Police, Class Two Special Law Enforcement Officers are authorized to exercise full police powers and duties similar to those of a permanent, regularly appointed full-time police officer; and

WHEREAS, the officer shall work no more than 20 hours a week and will be considered an at will employee; and

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WHEREAS, the salary to be paid to the selected officers will be at the Thirty Dollar per hour rate established by the Somers Point Salary Ordinance; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and City Council authorize the hiring of Class II Police Officer Michael Sweeney effective as of July 28th 2022.

Resolution No. 178 of 2022

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 178 of 2022

Subject: **Awarding Bid for Sanitary Sewer Emergency Repairs and
Miscellaneous Maintenance**

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

WHEREAS, on August 3rd 2022, the City of Somers Point received bids from four contractors for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance; and

WHEREAS, the total amount of the bid was based on specified units and quantities of work multiplied times the bidder's unit prices of labor, material and equipment for various categories of anticipated emergency repairs and miscellaneous repairs to the sanitary sewer system; and

WHEREAS, after applying these calculations, Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey, was the lowest responsible bidder; and

WHEREAS, the Sewer Utility Engineer has recommended that the City award the contract to Mathis Construction Co., Inc., in the established maximum amount of \$277,386.00.

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

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- 1.) The Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey, in the maximum amount of \$277,386.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Mathis Construction Co., Inc., signing on behalf of the City.
- 3.) This is an open-end contract that will be in effect for a period of one (1) year from August 1, 2022, through July 31, 2023, with the possibility of two (2)
- 4.) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq.

Old Business:

On the motion of Council Member McGuigan, seconded by Council Member Dill to repeal Ordinance 7 of 2021 an Ordinance Establishing Requirements for the Use of Municipal Parking Lot and the Imposition of Parking Fees.

Council President Johnston agreed that the program did not work as planned; however, it was a trial that did not cost the City any money.

City Solicitor Smith recommended adding this item to the next agenda for adoption with City Council's concurrence.

New Business:

City Council unanimously agreed to approve the following items:

- New Jersey State Firemen's Association Application for Membership for Carleigh Loder
- Social Affair Permit Application for Saint Joseph Church for a Beef and Beer with Super 50/50 Event to be held on September 16 from 6-10 PM
- Bike MS City to Shore Ride scheduled on September 24 & 25

City Council unanimously agreed to approve the following contingent on the required insurance documents being submitted with Council Member McGuigan recusing.

- Social Affair Permit Application for Somers Point Historical Society, Inc., for Community Music Festival on September 10 from 11AM-6PM at John F. Kennedy Park

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Council Member McCarrie requested changing the status of the Recreation Board to an Advisory Board. Council Member Dill agreed this was something to consider. Council President Johnston requested the Recreation Committee meet with Administrator Frost and to return to City Council with a formal recommendation.

Discussion of Bills:

Administrator Frost reported a Record of Payments dated 8/12/2022 in the amount of \$207,446.54 and a Bill List dated 8/16/2022 in the amount of \$848,488.62.

Public Portion:

The meeting was duly opened to the public.

Patricia Pierson of Marks Road requested information regarding pick a peach day.

Bruce of Braddock Drive mentioned his concerns regarding a short-term rental property on his street.

Elsie Stevens of Stanford Road stated her concerns and disapproval of the proposed ALDI project.

Will of Braddock Drive thanked the Governing Body for their service and reported his concerns regarding a short-term rental properties.

Valerie Mercurio of Southview Drive mentioned her opposition to the proposed ALDI project.

Roberta Bowen of Rhode Island Avenue mentioned ongoing concerns regarding ANA Towing.

Susan Bassett of Braddock Drive stated her concerns regarding a short-term rental property on her street.

Nick Folio of Jefferson Avenue mentioned his concerns regarding speeding on his street.

Frank Fontana of Holly Hills Drive mentioned his concerns regarding short term rental properties in the City.

Maureen Gibson of Exton Road mentioned her disagreement with the proposed ALDI project and her concerns with her drainage and paving on her street.

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

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Payment of Bills:

M/S: McCarrie/Owen

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

Comments from the Governing Body:

Council Member McGuigan mentioned he will be bringing back his information regarding short term rentals. He also mentioned the Police Department has dealt with several serious accidents recently.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:52 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:56 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: