

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 22, 2019**

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

Present: D'Adamo, Gerety, Dill, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, and City Solicitor Lafferty.

Absent: None

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office.

Public Portion (Resolutions)

The Public Portion was duly opened regarding Resolution No. 165 of 2019 and hearing nothing further from the public, was duly closed.

Resolution No. 165 of 2019

M/S-Tapp/Dill

The resolution was adopted by unanimous vote of those present.

Mayor Glasser swore in Janice Johnston while her husband held the Bible. Councilwoman Johnston thanked City Council for their unanimous support and indicated that she will do her best and looks forward to working with the Governing Body.

No. 165 of 2019

A Resolution Appointing a Nominee Received from the Somers Point Republican Committee to Fill the Ward 1 Vacancy on Somers Point City Council Created by the Resignation of Ron Meischker

Sponsored by: Council President McGuigan

Whereas, on July 25, 2019, as provided in NJS 40A:16-3 Councilman Ron Meischker submitted the City Clerk a written resignation from his position as Councilman for the First Ward; and **Whereas**, in compliance with NJS 40A:16-11 when there is a vacancy of an incumbent who was a nominee of a political party the municipal committee of that political party shall, within 15 days, present Council with 3 nominees to fill the vacancy; and

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Whereas, the Somers Point Republican Committee has submitted such a list for Council consideration; and

Whereas, in accordance with NJS 40A:16-5(b) if the vacancy occurs at any other time (than subsequent to September 1 of the next to the last year and up to the expiration of the term of the officer whose office has become vacant) the vacancy shall be filled for its unexpired term at the next general election and the governing body may fill the vacancy temporarily by appointment as provided pursuant to N.J.S.A. 40A:16-11; and

Whereas, the City Council of the City of Somers Point has reviewed the names submitted and is desirous of filling the vacancy in accordance with N.J.S.A. 40A:16-5b for the balance of the unexpired term until the next general election of November 5, 2019;

Now, therefore, it is hereby RESOLVED that Janice Johnston be and is hereby appointed to fill the vacancy for Council Member Ward 1 on the Somers Point City Council; and

It is further RESOLVED, that this appointment shall be effective immediately and shall continue until the next General Election of November 5, 2019, for the full unexpired term of Ron Meischker of December 31, 2021; and

Be it further RESOLVED that Ron Meischker is thanked for his service to the community and to this City Council.

Roll Call:

D'Adamo, Gerety, Dill, Tapp, Toto, Johnston, McGuigan

Public Portion (Resolutions)

The Public Portion was duly opened regarding Resolution No. 154 and 169 of 2019 and hearing nothing further from the public, was duly closed.

Resolution No. 169 of 2019

M/S- Toto/Tap

The resolution was adopted by unanimous vote of those present.

Councilman Toto mentioned that it has been a pleasure watching him grow up as a phenomenal athlete. He thanked him for representing Somers Point in a positive light and extended his congratulations. Council President McGuigan congratulated him for his athleticism and his great accomplishment. Mayor Glasser proudly presented Mr. Spiers with the resolution that was met with a round of applause.

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Resolution No. 169 of 2019

**Subject: Congratulating Chris Spiers First Place - South Jersey Lifeguard
Championship – Singles Row Event**

Introduced by: Council President McGuigan

Whereas, Chris Spiers was born and raised in Somers Point; and

Whereas, Chris is a student at the Richard Stockton University and serves as a lifeguard on the Margate City Beach Patrol, protecting the residents and visitors to the area as they enjoy the Atlantic Ocean; and

Whereas, the Lifeguard Racing Series has a rich history in the area and is held year after year; and

Whereas, the South Jersey Lifeguard Champions are the signature event of the series; and

Whereas, the Singles Row is the premier contest of the event; and

Whereas, Chris Spiers is the Winner of the Singles Row for the 2019 South Jersey Lifeguard Championship, winning the race in exciting fashion; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Somers Point, on behalf of themselves, and our community congratulate Mr. Chris Spiers for his dedication and his efforts that resulted in this victory.

BE IT FURTHER RESOLVED that the Mayor and City Council wish Chris continued success in all of his future endeavors, both in his lifeguard career as well as his academic career.

Resolution No. 154 of 2019

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

Council President McGuigan stated that it's fantastic that contestants and Shore Medical Center took part in the Garden Club Contest. Council President McGuigan stated that The Green Thumb Garden Club is a great asset to this community with a rich, long history and appreciates all their efforts. Mayor Glasser proudly presented all the winners with a resolution that was recognized with a round of applause. The Green Thumb Garden Club graciously offered free, fresh vegetables to everyone from their gardens. City Council President McGuigan thanked them and mentioned how beautiful the gardens are at the New York Avenue School.

Subject: Congratulating Winners of the Garden Club Contest
Introduced by: Councilmen Toto

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WHEREAS, the Somers Point Green Thumb Garden Club held their annual garden contest; and

WHEREAS, the winners of the contest are as follows:

Category	Winner
Commercial:	VFW Post 2189 Submarine Veterans Memorial
Container Garden: Cove	Janice Strigh, 550 Bay Avenue, Unit 909 Harbor
Large Flower Garden:	Cheryl and Ed Rush, 23 Northview Avenue
Medium Flower Garden:	John and Pat Bitzer, 508 Rhode Island Avenue
Small Flower Garden:	Gary Gray, 28 Somers Avenue
Junior Garden: School	Michele Carney Ray Yoder, New York Avenue
Members Only: Large	Sally Pietrofitta, 250 Atlantic Avenue
Small	Mary and Matt Rydzewski, 117 Hemlock Drive,
Linwood	
Vegetable:	Oscar Sanpedro

WHEREAS, Shore Medical Center has demonstrated their commitment to Somers Point through numerous services, activities and support including serving as a gold level sponsor of this event; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby congratulate the above listed winners and Shore Medical Center and thanks them for taking an interest in their community and participating in the contest.

Special Guest Speaker:

Paul Miola, representative for Atlantic County Municipal Joint Insurance Fund (JIF), thanked City Council for putting him on agenda. Mr. Miola presented everyone with a booklet and reviewed the history and how a joint insurance fund works. Additionally, he shared the JIF resources available and the stable financial status of the JIF. Councilman Gerety questioned

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about the Tenant User Liability Insurance Program requiring each vendor to go out and obtain their own Certificate of Insurance. Councilman Gerety questioned if an organization purchased a policy and required hold harmless/indemnification; would that cover everyone? Mr. Miola explained that if the participants sign an Agreement with the organization that said we agree to be a participant in the event, and the organization doesn't charge them to participate in the event and holds them harmless; then, if an incident occurs, they would be covered. Mr. Miola recommended that Mr. Lafferty review his suggestion. Denny Brown, Risk Management Consultant, for Somers Point mentioned that an organization could purchase an outside policy and then the participants could join in that policy. Council President McGuigan questioned the coverage regarding land use matters. Mr. Miola gave an example of coverage. Council President McGuigan thanked Paul Miola and Denny Brown for attending the meeting.

Communications:

None

Mayor's Report:

Mayor Glasser reported that the first Veterans Advisory Board meeting was held on 8/19/2019 at 7:00 p.m. in City Council Chambers and Tom Innocente is the Chair and Fred Fontana is Vice Chair. The Mayor thanked Councilmen Dill and Toto for attending and their input. The meetings will be monthly instead of quarterly for several months. The next meeting is September 16th. Mayor Glasser reported that he, Council President McGuigan, Councilman Toto, City Administrator Swain and Assistant Administrator Frost attended the Somers Point Business Association meeting on 8/21/19 at 8:00 a.m. Mayor Glasser announced that the ribbon cutting for the transient marina is on Wednesday at 11:00 a.m. Additionally, Mayor Glasser attended the Atlantic County Mayors' Association regarding the status of Atlantic City and municipal issues regarding dredging.

Administrator's Report:

None

Solicitors Report:

None

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Committee Reports:

Councilman D'Adamo reported that the steering committee attended an off-site meeting regarding the bike path and the ability to go across the new bridge. There was a movement to try and open the bridge/bike path as soon as possible, obviously there are safety concerns especially on this side of the bridge. There were discussions of opening only the Upper Township side or open both sides to include increased signage, turn-on traffic systems and using the parking area. Wes Swain, City Administrator, explained that the parking lot could be used for people to park and either bike or walk across and the concern is that people can cross the road safely. Mayor Glasser, City Council and City Administrator Swain thoroughly discussed the issues regarding the bikepath.

Approval of Minutes:

Councilman Toto motioned, seconded by Councilman Tapp and carried to approve the Regular Meeting Minutes and the Executive Session meeting minutes as to content only for 8/22/2019. Since Councilwoman Johnston was just sworn in this evening, she recused herself. Councilman Dill recused due to his absence.

Proclamation:

None

Ordinances:

Ordinance No. 11 of 2019

(Introduction/First Reading)

M/S – Tapp/Toto

The ordinance was adopted by unanimous vote of those present.

No. 11 of 2019

An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6. and N.J.S.A. 39: 4-197.7, granting the Authority to

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establish a Restricted Parking Zone in Front of a Residence Occupied by a Handicapped Person Under Certain Conditions; Amending and Supplementing Section 250-50 of the Somers Point City Code; Repealing All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith

WHEREAS, N.J.S.A. 39:4-197.6 authorizes a Municipality, by Ordinance, to establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person; and

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a Municipality, by ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code [“Restricted parking zones authorized; conditions” sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and .](#)

WHEREAS, A request has been submitted to the Mayor and City Clerk by:

Jewell Craddock stating the need for a Handicapped Parking Space in front of his residence 653 Seventh Street, Somers Point, NJ; and

WHEREAS, the request did include the required verified New Jersey Driver’s License and the Permanent Disability Identification Card issued by the New Jersey Motor Vehicle Commission; and

WHEREAS, the request has been reviewed by the Somers Point Police Department Chief of Police and the Traffic Officer and deemed appropriate and reasonable; and

WHEREAS, the Somers Point City Engineer has reviewed the request and determined the proper placement of the Handicapped Parking space signage.

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. The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces is hereby amended to designate the following location as a Permit Only Handicapped Parking spaces and shall be so marked by sign indicating “Handicapped Parking by Permit Only”, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways:

Name of Street	Location
Seventh Street	West Side directly in front of 653 Seventh Street

(Sign to be placed 185 feet north of the northerly curblineline of New York Avenue).

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SECTION 2. Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate an area of 25 feet in length in front of the residence of the handicapped person, to be painted as a no-parking zone.

2)_A "Handicapped Parking by Permit Only" sign to be placed alongside the designated area.

3) A permit 5 1/2 inches by 8 1/2 inches in size, bearing an appropriate certification of authenticity shall be issued and shall be placed in the vehicle as required by Code Section 250-57 G.

4) The holder of a City handicapped parking permit must notify the City Clerk immediately if such person changes his or her residence, changes his or her vehicle registration number, or if the special vehicle identification card and certificate issued by the Director of Motor Vehicles shall be modified, revoked or expired.

5) The permit shall be issued upon payment of the initial fee and shall be subject to payment of the annual renewal fee in compliance with Code Section 250-57. I.

SECTION 3: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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

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

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

Ordinance No. 12 of 2019

(First Reading/Introduction)

M/S – Gerety/Tapp

The ordinance was adopted by roll call vote of those present with Councilman Dill and Councilman D’Adamo voting no.

Councilman Gerety proposed to eliminate 5 cent fee and ban the plastic bag. He indicated that the fee must be eliminated, and he is open to whether the single use bag is to be banned or not. Councilman D’Adamo expressed his concern that it is being done too soon and wants a chance to study the ordinance further. Councilman Toto concurred to eliminate the 5-cent fee and agreed to ban the single-use bags for the better of the environment and indicated that less bags will end up in the sewer lines. Councilman Dill supports to eliminate the 5 cents charge for single-use bags also; however, he is concerned that the law isn’t state-wide and people shopping in our town are not aware of the local law. Additionally, Councilman Dill doesn’t support a charge for

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multi-use bags. Council President McGuigan is against the fee and doesn't feel that the City should make this decision for businesses and has a concern that it puts businesses at a disadvantage. In Pennsylvania they voted to keep single use bags for one year to investigate and research if it puts businesses at a disadvantage. Councilwoman Johnston mentioned that the stores indicated that it would not be a burden to them to ban the single-use bags, and she likes using the reusable bags because it holds more and is stronger. Councilman Tapp opines that the City would be taking a step backwards if the bags are not banned and believes a single-use bag ban will help the environment. Councilman Tapp is in favor of banning the bags and eliminating the 5-cent charge. City Council discussed the proposal of eliminating the 5-cent fee and banning single-use bags. The City doesn't receive any money from the 5-cent fee.

**An Ordinance Amending Ordinance 6 of 2018, as Codified in
Chapter 130 Article I of the City Code, Regulating Single-Use
Bags and Repealing All Ordinances Heretofore Adopted the
Provisions of Which Are Inconsistent Herewith**

WHEREAS, the City of Somers Point ("City") has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the City is required under State and Federal law to implement policies and programs to protect unique coastal resources and environmentally sensitive habitat areas, reduce the amount of waste produced by the community and prevent storm water runoff, trash, and debris from polluting bay and ocean waters; and

WHEREAS, the City of Somers Point is bordered by the Great Egg Harbor Bay to the south and east and the Patcong Creek on the west.

WHEREAS, the Somers Point community is attractive to residents, businesses, and visitors due to a local economy and quality of life that is centered on a clean and healthy environment, including but not limited to beaches, parks, public open spaces, bays, estuary, tidelands, and the ocean; and

WHEREAS, most single-use paper and plastic bags are not recycled and so they end up in the waste stream or as litter in the environment.

WHEREAS, data has been gathered by the Somers Point Environmental Commission and other environmental organizations, which documentation has been made available, demonstrate the prevalence of single-use bags in the local environment, including in the bay, ocean and on beaches, and that many single-use bags are disposed of in the trash and sent to landfills. These single use bags negatively impact the local environment, create clean-up costs

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for the City, are costly to dispose of and take up limited landfill space. Often the single-use bags end up on our beaches and dunes and in our fragile waterways. Clean Ocean Action's annual beach sweep data reports are used to study debris trends over time and have found plastic shopping bags consistently rank in the "dirty dozen" for the top twelve (12) litter items picked up during the bi-annual beach sweeps. In 2014, 2,340 plastic shopping bags were collected along the shore and in waterways of New Jersey during Ocean Conservancy's International Coastal Cleanup.

WHEREAS, reusable bags are an available alternative to single-use bags; and

WHEREAS, in order to protect public health and safety and maintain and improve the quality of life and the environment of Somers Point, it is in the City's interest to establish programs and services that: minimize the amount of single-use plastic and paper material that is manufactured and transported for use in Somers Point and then are handled, processed and disposed of in the City of Somers Point; minimize trash pollution in riparian, estuarine, ocean and other sensitive habitat areas; minimize litter on public and private property: including but not limited to streets, beaches, parks, sidewalks, storm drains and recycling facilities; and reduce the amount of material in the Somers Point waste stream; and

WHEREAS, the City Council has previously adopted Ordinance 6 of 2018, as codified within Chapter 130 Article I of the City Code; and

WHEREAS, the City Council is now desirous of amending the same.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point County of Atlantic, and State of New Jersey that Chapter 130, Article I, Sections 130-4 and 5 shall be and are hereby amended to read as follows:

SECTION 130-4. Single Use Plastic Bags Prohibited.

A. No covered store shall provide any single-use plastic carryout bags to a customer at the check stand, cash register, point of sale or other point of departure or point of distribution for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter.

B. No covered store shall prevent a person from using a bag of any kind that they have brought to any such covered store for purposes of carrying goods from such store.

SECTION 130.5. Exemptions.

A. [Unchanged]

B. This chapter shall not apply to (1) any restaurant or (2) street vendor.

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C. Retailers may use up existing supplies for a period of up to 120 days after final passage of this amended ordinance.

Severability and Effectiveness Clause.

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

B. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

Effective Date.

A. This Ordinance shall take effect upon final passage and publication pursuant to law.

Public Portion (Resolutions)

The Public Portion was duly opened and hearing nothing further from the public, was duly closed.

Resolution No. 155 of 2019

M/S- Dill/Tapp

The resolution was adopted by unanimous vote of those present.

No. 155 of 2019

Subject: Authorizing Agreement with Atlantic County Improvement Authority

Introduced by: Council President

WHEREAS, the City of Somers Point entered into an interlocal agreement in 2010 with the Atlantic County Improvement Authority for the administration of program income from previous housing rehabilitation grants; and

WHEREAS, that agreement was scheduled to end on June 30, 2019; and

WHEREAS, the Improvement Authority is offering the City of Somers Point another three-year interlocal service agreement.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor and City Clerk are hereby authorized and directed to sign the Interlocal Services Agreement between the City of Somers Point and the Atlantic County Improvement Authority, on behalf of the City.

Resolution No. 156 of 2019

M/S- Dill/Tapp

The resolution was adopted by unanimous vote of those present.

No. 156 of 2019

Subject: Authorization to sign Documents and Agreement for Somers Point-Pleasantville Bikeway Widening Project (Construction) Federal Project # TAP-D00S(221) NJDOT Job # 5521309 FAP-2017-Somers Point City-02571

Introduced by: Council President McGuigan, Councilmen Dill and Gerety

WHEREAS, in accordance with Resolution 165 of 2016 the Governing Body of the City of Somers Point confirmed its support for and its acceptance of the Funding Grant for the Somers Point-Pleasantville Bikeway Widening Project to the New Jersey Department of Transportation; and

WHEREAS, in furtherance of this project it is necessary to authorize the appropriate City Officials to sign various documents and agreements during the course of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the Mayor and City Clerk to sign the Federal Aid Agreement and any accompanying documents for this project on behalf of the City of Somers Point and that their signature constitutes acceptance and approval of the signed documents and agreement.

BE IT FURTHER RESOLVED that the Mayor and/or the City Administrator are hereby authorized to sign any further necessary documents required for the progress and completion of this project on behalf of the City of Somers Point.

Resolution No. 157 of 2019

M/S- Gerety/Toto

The resolution was adopted by unanimous vote of those present.

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No. 157 of 2019

Subject: Certification of Receipt and Review of the Audit for the Year 2018

Introduced by: McGuigan, Dill and Gerety

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 2018 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, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated 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; 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, as per the regulations of 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.

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Resolution No. 158 of 2019

M/S- Toto/Dill

The resolution was adopted by unanimous vote of those present.

No. 158 of 2019

Subject: Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether Block 1214, Lots 9, 10, 11, 12, & 16 Qualifies for Designation as an Area in Need of Redevelopment Pursuant to N.J.S.A. 40A:12A-1 Et Seq.

Introduced by: Council President McGuigan

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the City Council desires to explore whether the real property located on Shore Road and Sunset Avenue and more commonly known Block 1214, Lots 9, 10, 11, 12, & 16 on the Tax Map of the City of Somers Point, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Study Area”) may be an appropriate area for consideration for the program of redevelopment; and

WHEREAS, some of the existing homes within the Study Area have been vacant for some time and/or are otherwise non-conforming uses; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the City Council making a determination as to whether the Study Area qualifies as an area in need of redevelopment, the City Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria of an area in need of redevelopment set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the City Council wishes to direct the City Planning Board to undertake such preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5* and in accordance with the investigation and hearing process set forth at *N.J.S.A. 40A:12A-6*

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby directs the Somers Point Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area defined hereinabove qualifies for

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designation as an area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in *N.J.S.A. 40A:12A-1, et seq.*; and

BE IT FURTHER RESOLVED that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area; and

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the City Council in the form of a Resolution with supportive documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the City Clerk, Chief Financial Officer and City Planning Board and Planning Board Secretary.

Resolution No. 159 of 2019

M/S- Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 159 of 2019

Subject: Chapter 159 Resolution

Introduced by: Council President McGuigan, Councilmen Dill and Gerety

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

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

WHEREAS, the City of Somers Point had received a grant of \$94,630.00 for FY2017 & 2018 CDBG for the Reconstruction of Meyran Avenue and included that amount in the 2018 budget; and

WHEREAS, the City of Somers Point has now received an amendment to the grant agreement that provides additional funding in the amount of \$256,860.30 and wishes to amend its 2019 budget to include this amount as a revenue.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$256,860.30 which item is now available as a revenue from:

Miscellaneous Revenue
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenue Offset with Appropriations:
FY2017 & 2018 CDBG and future years for Reconstruction of Meyran Avenue
\$256,860.30
pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$256,860.30 be and the same is hereby appropriated under the caption of:
General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
FY2017 & 2018 CDBG and future years for Reconstruction of Meyran Avenue
\$256,860.30

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

Resolution No. 160 of 2019

M/S- Tapp/Toto

The resolution was adopted by unanimous vote of those present.

No. 160 of 2019

Subject: Zoning Board Appointments

Introduced by: Councilmen Tapp

WHEREAS, Council wishes to appoint Rex Granus with a term expiring December 31, 2020; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows:

MEMBER	EXPIRATION OF TERM
Robert Marshall	Dec. 31, 2020
Joseph Craddock	Dec. 31, 2020
Shawn Rowan	Dec. 31, 2021
Guy Salani	Dec. 31, 2022
Robert Gannon	Dec. 31, 2022
Mike Kedziora	Dec. 31, 2019
Paul Huber	Dec. 31, 2019
Alternates:	
Janice Johnston	Dec. 31, 2019
Rex Granus	Dec. 31, 2020

Resolution No. 161 of 2019

M/S- Dill/Tapp

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

NO. 161 of 2019

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OR NOTES OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL OBLIGATION BONDS, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$15,710,000, CONSISTING OF \$12,620,000 GENERAL IMPROVEMENT BONDS AND \$3,090,000 SEWER UTILITY BONDS

BE IT RESOLVED BY A MAJORITY OF THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of N.J.S.A. 40A:2-26, the Bonds or Notes of the City of Somers Point, in the County of Atlantic, New Jersey (the "City") authorized pursuant to the bond ordinances of the City heretofore adopted and described in Section 2 hereof shall be

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combined into a single and combined issue of General Obligation Bonds, Series 2019, in the aggregate principal amount of \$15,710,000, consisting of \$12,620,000 General Improvement Bonds, Series 2019 (the “General Improvement Bonds”), and \$3,090,000 Sewer Utility Bonds, Series 2019 (the “Utility Bonds”, and together with the General Improvement Bonds being collectively referred to as the “Bonds”).

SECTION 2. The principal amount of Bonds or Notes originally authorized by each ordinance and the principal amount of Bonds to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds or Notes described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances, are respectively as follows:

Ordinance No., Description of Improvement & Date of <u>Adoption</u>	Original Appropriation and Estimated <u>Costs</u>	Principal Amount Of General Obligation <u>Bonds</u>	<u>Estimated Useful Life</u>
Bond Ordinance No. 4 of 2013, providing for various capital improvements necessitated by damages caused by Hurricane Sandy, finally adopted on March 14, 2013.	\$1,300,000	\$89,400	16.47 years
Bond Ordinance No. 16 of 2014, providing for purchase of equipment and furniture for Police, Fire and Construction Departments, purchase of equipment for City Clerk’s Office, purchase of trucks and sport utility vehicles, various roadway improvements and recreation improvements, finally adopted on June 12, 2014.	\$1,064,000	\$961,600	10.90 years
Bond Ordinance No. 17 of 2014, providing for various sewer utility capital improvements, finally adopted on May 8, 2014.	\$475,000	\$461,000	38.20 years
Bond Ordinance No. 25 of 2014, providing for dredging of bayfront area and wetlands reclamation project, finally	\$308,750	\$292,750	20.00 years

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adopted on September 11, 2014.

Bond Ordinance No. 13 of 2015, providing for acquisition of Police Department equipment, Dump Truck Salt Spreader, Fire Department equipment, Construction Department equipment, purchase of real property, roadway improvements and improvements to City Clerk's Office, finally adopted on April 30, 2015.

\$848,350 \$821,450 16.30 years

Bond Ordinance No. 14 of 2015, providing for purchase of solids container and various sewer utility improvements, finally adopted on April 30, 2015.

\$500,000 \$493,000 39.75 years

Bond Ordinance No. 7 of 2016, providing for purchase of Police Department safety equipment, compact utility tractor, Fire Department equipment, equipment for City Clerk's Office, improvements to municipal buildings and roadway improvements, finally adopted on June 9, 2016.

\$950,000 \$950,000 11.42 years

Bond Ordinance No. 8 of 2016, providing for purchase of manhole inserts and various sewer utility capital improvements, finally adopted on June 9, 2016.

\$500,000 \$500,000 39.50 years

Bond Ordinance No. 19 of 2016, providing for acquisition of equipment for Police Department, finally adopted on December 8, 2016.

\$266,000 \$266,000 7 years

Bond Ordinance No. 1 of 2017, providing for purchase of vehicles for Police Department and various roadway improvements, finally adopted on February 23, 2017.

\$570,000 \$570,000 9.32 years

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<p>Bond Ordinance No. 5 of 2017, providing for various sewer utility capital improvements, finally adopted on April 13, 2017.</p>	<p>\$410,000</p>	<p>\$410,000</p>	<p>40 years</p>
<p>Bond Ordinance No. 6 of 2017, providing for purchase of Fire Department safety equipment, purchase of communications equipment for Emergency Management Office, purchase of equipment for City Clerk’s Office, improvements to municipal buildings and facilities, and roadway improvements, finally adopted on April 13, 2017.</p>	<p>\$1,472,500</p>	<p>\$1,471,300</p>	<p>10.51 years</p>
<p>Bond Ordinance No. 4 of 2018, providing for purchases of equipment and vehicles for Police and Fire Departments, improvements to municipal facilities, construction of marina at Higbee Avenue, construction of embankment on Mays Landing Road, purchase of computers for City Clerk’s Office and Construction Department, improvements to recreational facilities, and various roadway improvements, finally adopted on May 24, 2018.</p>	<p>\$2,137,500</p>	<p>\$2,137,500</p>	<p>18.52 years</p>
<p>Bond Ordinance No. 5 of 2018, providing for various sewer utility capital improvements, finally adopted on May 24, 2018.</p>	<p>\$810,000</p>	<p>\$600,000</p>	<p>40 years</p>
<p>Bond Ordinance No. 4 of 2019, providing for purchase of equipment, vehicles, and apparatus for Fire Department, purchase of knuckle boom truck and dump truck for Public Works Department, improvements to municipal facilities, purchase of computers for City Clerk’s Office, improvements to recreational facilities, purchase of equipment for Police Department, purchase of movie</p>			

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projector system and various municipal roadway improvements, finally adopted on May 9, 2019.	\$5,065,000	\$5,060,000	10.09 years
Bond Ordinance No. 5 of 2019, providing for various sewer utility capital improvements, purchase of service vehicle and GIS mapping of sewer system, finally adopted on May 9, 2019.	\$626,000	\$626,000	34.41 years

SECTION 3. The following additional matters are hereby determined with respect to the combined issue of Bonds:

- (1) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not less than 12.31 years for the General Improvement Bonds portion and 38.48 years for the Sewer Utility Bonds portion.
- (2) The Bonds of the combined issue shall be designated “General Obligation Bonds, Series 2019”, and shall mature within the average period of usefulness herein determined.
- (3) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law of the State of New Jersey (N.J.S.A. 40A:2-1, et seq.) (the “Local Bond Law”) applicable to the sale and the issuance of bonds authorized by a single bond resolution, and accordingly may be sold with other issues of bonds.
- (4) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.
- (5) The supplemental debt statements required by the Local Bond Law in connection with the respective bond ordinances described in Section 2 hereof were duly made and filed in the office of the City Clerk and complete executed duplicates thereof were 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 statements showed that the gross debt of the City as defined in the Local Bond Law increased by the authorization of the bonds provided for in such prior Bond Ordinances by \$17,303,100, and the said obligations authorized by such bond ordinances were within all debt limitations prescribed by the Local Bond Law.

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- (6) The amount of the proceeds of the obligations authorized by this Resolution include interest on obligations authorized to finance said purposes, costs of issuing said obligations, accounting, engineering, and inspection costs, legal expenses and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law.

SECTION 4. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said Bonds authorized by this Resolution. Said Bonds shall be direct, unlimited obligations of the City and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of said Bonds and interest thereon without limitation of rate or amount.

SECTION 5. The purpose of this Resolution is to combine those bond ordinances of the City heretofore adopted and described in Section 2 hereof into a single and combined issue of General Obligation Bonds. All such prior bond ordinances shall and do remain in full force and effect.

SECTION 6. This Resolution shall take effect immediately.

The foregoing Resolution was adopted by the following vote:

Recorded Vote

AYE NO ABSTAIN ABSENT

Resolution No. 162 of 2019

M/S- Toto/Dill

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

No. 162 of 2019

**RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS OF \$15,710,000 GENERAL OBLIGATION BONDS,
SERIES 2019, CONSISTING OF \$12,620,000 GENERAL
IMPROVEMENT BONDS AND \$3,090,000 SEWER UTILITY
BONDS OF THE CITY OF SOMERS POINT, IN THE
COUNTY OF ATLANTIC, NEW JERSEY AND PROVIDING
FOR THEIR SALE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AS FOLLOWS:

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Section 1. Amount of General Obligation Bonds. The \$15,710,000 General Obligation Bonds, Series 2019, of the City of Somers Point, in the County of Atlantic, New Jersey (the “City”), referred to and described in the resolution adopted by the City Council pursuant to the Local Bond Law of the State of New Jersey on August 22, 2019, and entitled, “RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OR NOTES OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL OBLIGATION BONDS, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$15,710,000, CONSISTING OF \$12,620,000 GENERAL IMPROVEMENT BONDS AND \$3,090,000 SEWER UTILITY BONDS” (hereinafter referred to as the “Bonds”). The maturities of the Bonds shall be on October 1st in each of the years and combined principal amounts as follows:

<u>Year</u>	<u>General Improvement Bonds</u>	<u>Sewer Utility Bonds</u>	<u>Combined Maturities</u>
2020	\$710,000	\$180,000	\$890,000
2021	\$840,000	\$210,000	\$1,050,000
2022	\$910,000	\$230,000	\$1,140,000
2023	\$980,000	\$250,000	\$1,230,000
2024	\$1,040,000	\$270,000	\$1,310,000
2025	\$1,110,000	\$280,000	\$1,390,000
2026	\$1,170,000	\$300,000	\$1,470,000
2027	\$1,170,000	\$300,000	\$1,470,000
2028	\$1,170,000	\$310,000	\$1,480,000
2029	\$1,220,000	\$320,000	\$1,540,000
2030	\$1,220,000	\$340,000	\$1,560,000
2031	\$1,080,000	\$100,000	\$1,180,000

The Bonds shall be Twelve (12) in number, with one certificate being issued for the principal amount of each combined maturity and shall be numbered GO-1 to GO-12, inclusive.

Section 2. Terms of Bonds. The Bonds will be issued in fully registered form. The Bonds will be initially issued in book entry form only in the form of one certificate for the principal amount maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York (“DTC”), which is hereby appointed to act as securities depository for the Bonds. The Bonds will be dated the date of delivery, and will bear interest payable initially on April 1, 2020, and semiannually thereafter on the 1st day of October and April, respectively, in each year until maturity. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made either by the City directly to DTC or its nominee, Cede & Co., or by a paying agent selected by the Chief Financial Officer (the “Paying Agent”) who shall make such payments on behalf of the City to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on the Bonds to the participants of DTC. The

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record dates for payment of the interest on the Bonds shall be September 15th and March 15th next preceding the interest payment dates (the “**Record Dates**”). The registration books of the City shall be kept by the Chief Financial Officer or by the Paying Agent on behalf of the City. The interest rate on the Bonds shall be at a rate per annum, expressed in a multiple of 1/8 or 1/20 of 1% as proposed by the successful bidder or bidders in accordance with the Notice of Sale authorized herein.

The Bonds shall be payable as to both principal and interest in lawful money of the United States of America. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the City Clerk or Deputy City Clerk.

The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery
Interest Payment Dates:	April 1, 2020, and each October 1 and April 1 thereafter until maturity, with payment initially being made to DTC, or its authorized nominee, by the City or the Paying Agent on behalf of the City.
Bond Registrar/Paying Agent:	The City or any bank or trust company selected by the City or Chief Financial Officer.
Securities Depository:	DTC
Authorized Denominations:	\$5,000 or any integral multiple thereof, except where necessary, also in the amount of \$1000.

Section 3. Form of Bonds. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the City to market the Bonds in accordance with this resolution and the requirements of the Depository Trust Company.

No. GO _____ \$ _____

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF ATLANTIC
CITY OF SOMERS POINT
GENERAL IMPROVEMENT BONDS, SERIES 2019
AND**

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SEWER UTILITY BONDS, SERIES 2019

DATE OF ORIGINAL ISSUE: October ____, 2019	MATURITY DATE: October 1, 20__	RATE OF INTEREST PER ANNUM: _____ %	CUSIP: _____
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THE CITY OF SOMERS POINT IN THE COUNTY OF ATLANTIC, NEW JERSEY (the “City”), a municipal corporation of the State of New Jersey, hereby acknowledges itself indebted and for value received promises to pay to Cede & Co., or its registered assigns, on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of _____ Dollars (\$ _____), and to pay interest on such sum from the Date of Original Issue stated above until the Maturity Date specified above at the Rate of Interest Per Annum specified above, payable initially on April 1, 2020, and semiannually thereafter on the first (1st) day of October and April in each year. As long as The Depository Trust Company, New York, New York (“DTC”) or its nominee, Cede & Co., is the registered owner of this bond, payments of the principal of and interest on this bond will be made by the City directly, or by a paying agent selected by the Chief Financial Officer (the “Paying Agent”), to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on this bond to the participants of DTC. The record dates for payment of interest on this bond shall be March 15th and September 15th next preceding the interest payment dates (the “Record Dates”). Both the principal of and the interest on this bond are payable in lawful money of the United States of America.

No transfer of this bond shall be valid unless made on the registration books of the City kept for that purpose by the Chief Financial Officer and by surrender of this bond (together with a written instrument of transfer satisfactory to the Chief Financial Officer duly executed by the registered owner or by his or her duly authorized attorney) and the issuance of a new bond or bonds in the same form and tenor as the original bond except for the differences in the name of its registered owner, the denominations and the Date of Authentication. The owner of any bond or bonds may surrender same (together with a written instrument of transfer satisfactory to the Chief Financial Officer duly executed by the registered owner or by his or her duly authorized attorney), in exchange for an equal aggregate principal amount of bonds of any authorized denominations. Notwithstanding the foregoing, as long as this bond remains in book entry form, transfer of ownership interest in this bond shall be made by DTC and its participants by book entries which are made on the records of DTC and its participants.

The Bonds of this issue maturing on or before October 1, 2026, are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after October 1, 2027, are redeemable at the option of the City, in whole or in part, at any date on or after October 1, 2026,

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upon notice as required herein at par (the “**Redemption Price**”), plus in each case accrued interest to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the City or a duly appointed bond registrar. So long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of the depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the City determines to redeem a portion of the Bonds prior to maturity, such Bonds to be redeemed shall be selected by the City; the Bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the Bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented; a resolution of the City adopted on August 22, 2019, and entitled “*Resolution Providing for the Combination of Certain Issues of General Obligation Bonds or Notes of the City of Somers Point, in the County of Atlantic, New Jersey, into a Single Issue of General Obligation Bonds, Series 2019, In The Aggregate Principal Amount of \$15,710,000, Consisting of \$12,620,000 General Improvement Bonds and \$3,090,000 Sewer Utility Bonds*” and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law; and a resolution of the City adopted August 22, 2019, and entitled “*Resolution Determining the Form and Other Details of \$15,710,000 General Obligation Bonds, Series 2019, Consisting of \$12,620,000 General Improvement Bonds and \$3,090,000 Sewer Utility Bonds of the City of Somers Point, in the County of Atlantic, New Jersey and Providing For Their Sale.*”

The full faith and credit of the City are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by such Constitution or statutes.

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IN WITNESS WHEREFORE, the City of Somers Point in the County of Atlantic, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its City Clerk, and this bond to be dated the Date of Original Issue as specified above.

Section 4. Sale of Bonds. The Bonds shall be sold, as hereinafter provided, in accordance with the provisions of the Local Bond Law. The Bonds shall be sold by electronic auction via BIDCOMP/PARITY Competitive Bidding System (“**PARITY**”) **only on September 17, 2019 (or such alternative date of sale as shall be determined by the Chief Financial Officer in consultation with Bond Counsel and the Municipal Advisor to allow closing to occur on or before October 2, 2019)**, in accordance with the Notice of Sale authorized herein. The Notice of Sale shall be posted in full on MuniHub’s Website (“www.munihub.com”). The City Clerk is hereby directed to arrange for the publication of the Notices of Sale (or summaries thereof) in the form provided herein, such publication to be not less than seven (7) days prior to the date of sale, in The Press of Atlantic City, a newspaper published and circulating in the City, and The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York. Pursuant to N.J.S.A. 40A:2-34, the City hereby designates the Chief Financial Officer as financial officer to sell and to award the Bonds in accordance with the Notices of Sale authorized herein, and such financial officer shall report in writing to the City Council of the City at the next meeting thereof following such award as to the principal amount, interest rate, and maturities of the Bonds sold, the price obtained and the name of purchaser.

Section 5. Notices of Sale. The Notice of Sale and the Summary Notice of Sale shall be substantially in the following forms with such additions, deletions, omissions and changes as may be determined by the City Administrator or Chief Financial Officer after consultation with the City’s Municipal Advisor and Bond Counsel or as may be necessary for the City to market the Bonds in accordance with the requirements of this Resolution and of the DTC:

**NOTICE OF SALE
\$15,710,000*
GENERAL OBLIGATION BONDS, SERIES 2019
OF THE CITY OF SOMERS POINT
COUNTY OF ATLANTIC, NEW JERSEY
Consisting of:
\$12,620,000* GENERAL IMPROVEMENT BONDS, SERIES 2019
\$3,090,000* SEWER UTILITY BONDS, SERIES 2019
(BOOK-ENTRY ONLY) (CALLABLE)**

NOTICE IS HEREBY GIVEN that electronic sealed bids (as described herein) will be received by the City of Somers Point in the County of Atlantic, New Jersey (the “**City**”) for the purchase of \$15,710,000* original principal amount of the City’s General Obligation Bonds,

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Series 2019, consisting of \$12,620,000* General Improvement Bonds, Series 2019 and \$3,090,000* Sewer Utility Bonds, Series 2019 (collectively, the “**Bonds**”), on Tuesday, September 17, 2019 (the “**Bid Date**”) until 11:00 a.m., New Jersey time (the “**Bid Time**”), at

which time the bids will be announced. Bidders are required to submit their Proposal for the purchase of the Bonds in accordance with the terms of the Notice of Sale.

The Bonds

The Bonds will be dated the date of delivery and shall mature on October 1st of each year until maturity, or earlier redemption, in the combined maturity amounts as hereinafter shown.

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Sewer Utility Bonds*</u>	<u>Combined Maturities*</u>
2020	\$710,000	\$180,000	\$890,000
2021	\$840,000	\$210,000	\$1,050,000
2022	\$910,000	\$230,000	\$1,140,000
2023	\$980,000	\$250,000	\$1,230,000
2024	\$1,040,000	\$270,000	\$1,310,000
2025	\$1,110,000	\$280,000	\$1,390,000
2026	\$1,170,000	\$300,000	\$1,470,000
2027	\$1,170,000	\$300,000	\$1,470,000
2028	\$1,170,000	\$310,000	\$1,480,000
2029	\$1,220,000	\$320,000	\$1,540,000
2030	\$1,220,000	\$340,000	\$1,560,000
2031	\$1,080,000	\$100,000	\$1,180,000

Interest Payment Dates

The Bonds will be dated the date of delivery and will bear interest at the rate per annum specified by the successful bidder therefor in accordance herewith, payable on April 1, 2020, and semi-annually thereafter on the first (1st) day of October and April in each year until maturity.

* Preliminary, subject to change

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Term Bond Option

Bidders may **not** elect to structure the issue to include term bonds.

Adjustment of Maturities

The City may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed ten percent (10%) upward or downward of the principal for any maturity of the Bonds as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate principal amount of the Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$15,710,000. The dollar amount bid by the Successful Bidder (as defined herein) shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the bid, and the initial public offering prices required to be delivered to the City, as stated herein.

Redemption Provisions

The Bonds of this issue maturing on or prior to October 1, 2026, shall not be subject to redemption prior to their stated maturity dates. The Bonds maturing on or after October 1, 2027, are redeemable at the option of the City in whole or in part on any date on or after October 1, 2026, upon notice as required herein at par (the "**Redemption Price**"), plus in each case accrued interest to the date fixed for redemption.

Notice of Redemption shall be given by first class mail, at least thirty (30) days but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the City or duly appointed bond registrar. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the City determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the City by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Book-Entry-Only System

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As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC, which will credit payments of principal of and interest on the Bonds to

the DTC participants as listed in the records of DTC as of each next preceding March 15 and September 15, respectively (the “**Record Dates**” for payment of interest on the Bonds), which participants will in turn credit such payments to the beneficial owners of the Bonds.

All bidders of the Bonds must be participants of The Depository Trust Company, New York, New York (“**DTC**”) or affiliated with its participants. The Bonds will be issued in fully registered form, and when issued will be registered in the name of and held by Cede & Co., as the registered owner thereof and nominee for DTC, an automated depository for securities and clearinghouse for securities transactions.

Electronic Bidding Procedures

Bids must be submitted electronically via PARITY in accordance with this Notice of Sale, until the Bid Time on the Bid Date, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact PARITY at (212) 849-5021. In the event that a bid for the Bonds is submitted via PARITY, the bidder further agrees that:

1. The City may regard the electronic transmission of the bid through PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity and any other information included in such transmission) as though the same information were submitted directly to the City and executed by a duly authorized signatory of the bidder. If a bid submitted electronically via PARITY is accepted by the City, the terms of the Proposal for Bonds and this Notice of Sale and the information that is electronically transmitted through PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

2. PARITY is not an agent of the City, and the City Bond Counsel and Municipal Advisor shall have no liability whatsoever based on any bidder's use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the City or information provided by the bidder.

3. The City may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 3:00 p.m. (New Jersey time) on the last business date prior to the bid date set forth above.

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4. Once the bids are communicated electronically via PARITY to the City as described above, each bid will constitute a Proposal for Bonds and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting a Proposal for Bonds, whether by hand delivery or electronically via Parity, the time as maintained on PARITY shall constitute the official time.

5. Each bidder choosing to bid electronically shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the City nor Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure access to any qualified prospective bidder, and neither the City nor Parity shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by PARITY. The City is using PARITY as a communication mechanism, and not as the City's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the City, Bond Counsel and Municipal Advisor harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

Bid Specifications

Each Proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for and the rate or rates named must be multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one per centum (1.0%). Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the rates that may be named. **If more than one rate of interest is named, the difference between highest and lowest rate may not exceed two percent (2%) per annum and not more than one rate of interest may be named for the Bonds of the same maturity.** The purchase price specified in the Proposal must be not less than 100% of the aggregate par value of the Bonds nor more than 110% of such aggregate par value of the Bonds (the “**Max Bid Price**”).

Subject to the Bid requirements described herein, each Proposal for the Bonds must be submitted on an “All-or-None” (“**AON**”) basis for the entire amount of **\$15,710,000**. A Bidder must submit a conforming Proposal for the entire issue, and if such Proposal is accepted by the City, the Bidder will be required to purchase the entire issue in accordance with such Proposal.

Award, Delivery and Payment

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by determining the interest rate, compounded semiannually, necessary to discount the principal and interest payments on the Bonds to the date of delivery of the Bonds and to the price bid which shall not exceed the Max Bid Price. No Proposal shall be considered that offers to pay

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an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a true interest cost higher than the lowest true interest cost to the City under any legally acceptable proposal. If two or more such bidders offer to pay the lowest true interest cost, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders. The bidder to which the Bonds are awarded (in the manner specified above) is herein referred to as the “**Successful Bidder**”.

It is expected that delivery of the Bonds to DTC and payment for the Bonds will take place on or about October 2, 2019, at the offices of Fleishman Daniels Law Offices, LLC, bond counsel to the City (“**Bond Counsel**”), in Linwood, New Jersey, or at such other place as may be agreed upon with the Successful Bidder. The Bonds will be delivered to DTC in single denominations for each combined maturity. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

Change of Bid Date and Closing Date

The City reserves the right to postpone, from time to time, the date established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on Thomson Municipal Market Monitor (“TM3”) (www.tm3.com). Prospective bidders may request notification by facsimile transmission of any such changes in the date or time for the receipt of bids by so advising, and furnishing their telecopier numbers to the Clerk of the City at (609) 927-9088 ext. 123, or the City’s Municipal Advisor, Phoenix Advisors, LLC at (609) 291-0130, by 12:00 Noon, New Jersey time, on the day prior to the announced date for receipt of bids. In addition, the City reserves the right to make changes to this Notice of Sale. Such changes will be announced on TM3.

A postponement of the bid date will be announced via TM3 not later than 3:00 p.m., New Jersey time, on the last business day prior to any announced date for receipt of bids, and an alternative sale date and time will be announced via TM3 by 12:00 Noon, New Jersey time, not less than forty-eight (48) hours prior to such alternative date for receipt of bids.

On any such alternative date and time for receipt of bids, the City will accept electronic bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for receipt of bids and any other changes announced via TM3 at the time the date and time for receipt of bids are announced.

Right To Reject Bids; Waive Irregularities

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The right is reserved to reject all bids, and any bid not complying with the terms of this Notice of Sale will be rejected. The City reserves the right to reject any or all Proposals and as far as permitted by law, to waive any irregularity or informality in any or all Proposals.

Good Faith Deposit

A good faith deposit (the “**Deposit**”), in the form of a financial surety bond, if available (the “**Financial Surety Bond**”), wire transfer, or certified or cashier’s or treasurer’s check in the amount of **\$314,200** is required for each bid for the Bonds to be considered. **Wire instructions may be obtained by contacting Anthony P. Inverso of Phoenix Advisors, LLC (the “Municipal Advisor”) at (609) 291-0130.** The Financial Surety Bond, if available, must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the “**Director**”). **The Deposit must be submitted to the City prior to 10:30 a.m. New Jersey time on the date for receipt of bids and must be in the form described above.** A Financial Surety Bond must identify the bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Successful Bidder satisfies the Deposit via a Financial Surety Bond, the Successful Bidder for the Bonds is required to submit its Deposit to the City in the form of a wire transfer not later than 3:00 p.m. New Jersey time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement. The Deposit of the Successful Bidder will be collected and the proceeds thereof retained by the City to be applied in partial payment for the Bonds and no interest will be allowed or paid upon the amount thereof, but in the event the Successful Bidder shall fail to comply with the terms of its respective bid, the proceeds thereof will be retained as and for full liquidated damages. Award of the Bonds to the Successful Bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such Successful Bidder may not withdraw its Proposal for Bonds until after 5:00 p.m. of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

Bond Insurance

If the Bonds qualify for issuance of any policy of municipal bond insurance, any purchase of such policy shall be at the sole option and expense of the Successful Bidder. If the Bonds are to be insured, the Successful Bidder shall pay the premium therefor prior to the delivery of the Bonds. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not in any way relieve the Successful Bidder of its contractual obligations arising from the acceptance of its Proposal for Bonds for the purchase of the Bonds.

CUSIP Numbers

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It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the Successful Bidder to accept delivery of and pay for the Bonds. The request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge therefor shall be the responsibility of, and shall be paid for by, the Successful Bidder. **There will be one CUSIP number for the combined amount of each maturity.**

Establishment of Issue Price (10% Test to Apply if Competitive Sale Requirements are Not Satisfied)

The Successful Bidder shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at Closing an “**issue price**” or similar certificate, setting forth the reasonably expected initial offering price to the Public or the sales price or prices of the Bonds, together with supporting pricing wires or equivalent communications, substantially in the form prepared by and available from Bond Counsel, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Successful Bidder, the City and Bond Counsel. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the City by the City’s Municipal Advisor identified herein, if any, and any notice or report to be provided to the City may be provided to the City’s Municipal Advisor.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “**competitive sale**” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “**Competitive Sale Requirements**”) because: (1) the City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters; (2) all Bidders shall have an equal opportunity to bid; (3) the City may receive bids from at least three (3) underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and (4) the City anticipates awarding the sale of the Bonds to the Bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. By submitting a bid, bidders are deemed to have certified that they have an established industry reputation as a regular purchaser or underwriter of tax-exempt obligations such as the Bonds.

In the event that the Competitive Sale Requirements are not satisfied, the City shall so advise the Successful Bidder. The City shall treat the first price at which 10% of a Maturity of the Bonds (the “**10% Test**”) is sold to the Public as the issue price of that Maturity, applied on a Maturity-by-Maturity basis (and if different interest rates apply within a Maturity, to each separate CUSIP number within that Maturity). The Successful Bidder shall advise the City if

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any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the Bonds. The City will not require Bidders to comply with the “hold-the-offering-price rule” and therefore, does not intend to use the initial offering price to the Public as of the sale date of any Maturity of the Bonds as the issue price of that Maturity. Bids will not be subject to cancellation in the event that the Competitive Sale Requirements are not satisfied. Bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% Test in order to establish the issue price of the Bonds.

If Competitive Sale Requirements are not satisfied, then until the 10% Test has been satisfied as to each Maturity of the Bonds, the Successful Bidder agrees to promptly report to the City the prices at which the unsold Bonds of that Maturity have been sold to the Public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that Maturity have been sold or (ii) the 10% Test has been satisfied as to the Bonds of that Maturity, provided that, the Successful Bidder’s reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or Bond Counsel, and evidenced by a Supplemental Issue Price Certificate.

By submitting a bid, each Bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the Bidder is a party) relating to the initial sale of the Bonds to the Public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable,

(A) to report the prices at which it sells to the Public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that Maturity allocated to it have been sold or it is notified by the Successful Bidder that the 10% Test has been satisfied as to the Bonds of that Maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Successful Bidder,

(B) to promptly notify the Successful Bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the Public, and

(C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the Successful Bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the Public.

(ii) any agreement among underwriters or selling group agreement, relating to the initial sale of the Bonds to the Public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the Public to require

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each broker-dealer that is a party to such third-party distribution agreement to report the prices at which it sells to the Public the unsold Bonds of each Maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the Successful Bidder or such underwriter that the 10% Test has been satisfied as to the Bonds of that Maturity, provided that the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Successful Bidder or such underwriter.

Sales of any Bonds to any person that is a related party to an Underwriter participating in the initial sale of the Bonds to the Public shall not constitute sales to the Public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale: (a) *Maturity* means Bonds with the same credit and payment terms. Bonds with different Maturity dates, or Bonds with the same Maturity date but different stated interest rates, are treated as separate Maturities; (b) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly; (c) *Sale Date* means the first day on which the Bonds are awarded by the City to the Successful Bidder; (d) *Underwriter* means (i) any person that agrees pursuant to a written contract with the City (or with the lead Underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a third party distribution agreement participating in the initial sale of the Bonds to the Public).

Legal Opinions

The approving opinions of Fleishman Daniels Law Offices, LLC, Bond Counsel to the City, will be furnished without cost to the Successful Bidder, opinions to be substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the marketing and sale of the Bonds, to the effect that the Bonds are valid and legally binding general obligations of the City, that all the taxable property therein will be subject to the levy of *ad valorem* taxes to pay the principal of the Bonds and the interest thereon without limitation as to rate or amount and that interest on the Bonds is not includable as gross income under the Internal Revenue Code of 1986, as amended (the “Code”) if the City complies with all conditions subsequent contained in the Code, and that interest on the Bonds and any gain on the sale thereof is not includable as gross income under the existing New Jersey Gross Income Tax Act.

Section 265 Qualification

The Bonds **will not be** designated as qualified under Section 265 of the Code by the City for an exemption from the denial of deduction for interest paid by financial institutions to purchase or to carry tax-exempt obligations.

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Preliminary Official Statement

The City has prepared a Preliminary Official Statement for the Bonds which is dated September____, 2019, which is deemed final as of its date for purposes of SEC Rule 15c2-12(b)(1), except for omissions permitted thereby, but is subject to revision or amendment. The Preliminary Official Statement will be posted on the internet and can be downloaded at www.munihub.com. The Successful Bidder will be furnished with a reasonable number of copies of the final Official Statement at the City's expense. Additional copies may be obtained by the Successful Bidder at its own expense by arrangement with the City's Municipal Advisor. The copies of the final Official Statement will be made available to the Successful Bidder not later than seven (7) business days after the bid opening.

The Successful Bidder agrees to promptly file a final Official Statement with the Municipal Securities Rulemaking Board and to take any and all other actions necessary to comply with the applicable Securities and Exchange Commission and Municipal Securities Rulemaking Board rules governing the offering, sale and delivery of the Bonds to the ultimate purchasers.

Continuing Disclosure

In order to assist the Successful Bidder in complying with Rule 15c2-12, the City agrees to deliver on the Closing Date a Continuing Disclosure Certificate to be dated as of the Closing Date pursuant to which the City shall agree to provide at the times and to the information repositories and other persons described in Rule 15c2-12 the financial or operating data required to be disclosed on a continuing basis pursuant to Rule 15c2-12.

For more information regarding the Bonds and the City, reference is made to the Preliminary Official Statement dated September _____, 2019. Bid forms and copies of the Preliminary Official Statement may be obtained from www.munihub.com or from the City's Municipal Advisor, Anthony P. Inverso of Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505, (609) 291-0130.

SUMMARY NOTICE OF SALE

NOTICE OF SALE

\$15,710,000*

GENERAL OBLIGATION BONDS, SERIES 2019

OF THE CITY OF SOMERS POINT

COUNTY OF ATLANTIC, NEW JERSEY

Consisting of:

\$12,620,000* GENERAL IMPROVEMENT BONDS, SERIES 2019

\$3,090,000* SEWER UTILITY BONDS, SERIES 2019

(BOOK-ENTRY ONLY) (CALLABLE)

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PROPOSALS will be received electronically via the Parity Electronic Bid System (“**PARITY®**”), subject to the provisions of the official Notice of Sale dated September ____, 2019 (the “**Notice of Sale**”).

NOTICE IS HEREBY GIVEN that proposals (the “**Proposal for Bonds**”) will be received electronically via “**PARITY®**” of i-Deal LLC (“**i-Deal**”) in the manner described below under the heading “**Procedures Regarding Electronic Bidding**” until 11:00 a.m., New Jersey time, on Tuesday, September 17, 2019 (the “**Bid Date**”) and then and there publicly opened and considered by the City of Somers Point, Atlantic County, New Jersey (the “**City**”) for the purchase of \$15,710,000* original principal amount of the City’s General Obligation Bonds, Series 2019, consisting of \$12,620,000* General Improvement Bonds, Series 2019 and \$3,090,000* Sewer Utility Bonds, Series 2019 (collectively the “**Bonds**”).

Sale Date: Tuesday, September 17, 2019

Time: 11:00 a.m. (New Jersey time)

Security: General Obligations of the City of Somers Point

Tax Exempt: Yes

Rating: Standard & Poor’s – “ ____ ”

Bonds Dated: Date of Delivery (expected to be October 2, 2019)

Maturities: October 1st in the years and the principal amounts set forth below:

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Sewer Utility Bonds*</u>	<u>Combined Maturities*</u>
2020	\$710,000	\$180,000	\$890,000
2021	\$840,000	\$210,000	\$1,050,000
2022	\$910,000	\$230,000	\$1,140,000
2023	\$980,000	\$250,000	\$1,230,000
2024	\$1,040,000	\$270,000	\$1,310,000
2025	\$1,110,000	\$280,000	\$1,390,000
2026	\$1,170,000	\$300,000	\$1,470,000
2027	\$1,170,000	\$300,000	\$1,470,000
2028	\$1,170,000	\$310,000	\$1,480,000
2029	\$1,220,000	\$320,000	\$1,540,000
2030	\$1,220,000	\$340,000	\$1,560,000
2031	\$1,080,000	\$100,000	\$1,180,000

* Preliminary, subject to change

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DENOMINATIONS: \$5,000 each or any integral multiple of \$1,000 in excess thereof

INTEREST RATE: The Bonds will bear interest at the rate or rates per annum specified by the successful bidder determined in accordance with the Notice of Sale

FORM: Book-entry-only

INTEREST PAYMENT DATES: April 1 and October 1, commencing April 1, 2020

CALL DATE: The Bonds maturing on or after October 1, 2027 are redeemable at the option of the City, in whole or in part, on any date on or after October 1, 2026 at 100% of the principal amount outstanding

MINIMUM BID: \$15,710,000 (Par); the Bonds will be sold on the basis of the combined maturity schedule set forth herein

MAXIMUM BID: \$17,281,000 (Par plus 10%); the Bonds will be sold on the basis of the combined maturity schedule set forth herein

BID SECURITY: **Good Faith Certified or Cashier's or Treasurer's Check, wire transfer or Financial Surety Bond must be received by the City by 10:30 a.m. (New Jersey time) prior to bidding in the amount of \$314,200.**

BASIS OF AWARD: True Interest Cost - Coupons in multiples of 1/8 or 1/20 of 1% (see coupon parameters herein)

[BIDDERS MUST REFER TO THE FULL NOTICE OF BOND SALE FOR THE COMPLETE TERMS AND CONDITIONS OF THE SALE](#)

LEGAL OPINION: Fleishman Daniels Law Offices, LLC, Linwood, New Jersey

OFFERING STATEMENT: Preliminary Official Statement available at www.munihub.com

Section 6. Authentication of Bonds. The Bonds shall have printed thereon or attached thereto a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of Fleishman Daniels Law Offices, LLC, Linwood, New Jersey, complete except for omission of its date. The City Clerk or the Paying Agent is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion in a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the City Clerk's Office.

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Section 7. Ratification of Prior Actions; Authorization to Execute and Distribute Documents. All actions taken by the City, the Mayor, City Council, the Chief Financial Officer, and the City Clerk prior to adoption of this Resolution in connection with the issuance of the Bonds are hereby ratified and affirmed. The City’s Auditors, Ford, Scott and Associates, L.L.C., Bond Counsel, Fleishman Daniels Law Offices, LLC, and Municipal Advisor, Phoenix Advisors, LLC, are each hereby authorized to prepare, print and distribute the preliminary Official Statement, the Notice of Sale, and the final Official Statement, and to prepare and arrange for the printing or reproduction of the Bonds on behalf of the City to those financial institutions that customarily submit bids for such bonds. The Mayor, the Chief Financial Officer, and the City Clerk are authorized to execute any certificates necessary in connection with the distribution of the Official Statements and the issuance of and sale of the Bonds.

Section 8. Tax Covenant. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Bonds 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 9. Agreement with DTC. The Chief Financial Officer is hereby authorized to enter into an agreement with DTC in customary form setting forth the respective obligations of DTC and the City with respect to the payment and transfer of the Bonds. The City agrees to comply with all obligations set forth in such agreement.

Section 10. Discontinuance of Service of Securities Depository; Termination of DTC Services.

(a) In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Bonds, the City may enter into an agreement with a substitute securities depository, if available. Alternatively, the City may cause the Bonds to thereafter be registered in the names of, and delivered to, each beneficial owner of the Bonds.

(b) The City may terminate the services of DTC as securities depository with respect to the Bonds if the City determines that (i) DTC is unable to discharge its responsibilities with respect to the Bonds, or (ii) continued use of the book-entry system is not in the best interests of the beneficial owners of the Bonds. In such event, the City shall either contract with a substitute securities depository or cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section (a) hereof.

Section 11. Continuing Disclosure Agreement. It is hereby determined that it is necessary and appropriate for the City to execute and deliver a **Continuing Disclosure Agreement** (the “**Disclosure Agreement**”) for the benefit of the holders and Beneficial Owners of the Bonds to enable the successful bidder for the Bonds to comply with the requirements of

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SEC Rule 15c2-12. The Disclosure Agreement shall be in form and substance acceptable to the City Solicitor and Bond Counsel. The Mayor and the Chief Financial Officer are hereby severally authorized and directed to execute and deliver the Disclosure Agreement in accordance with the requirements of Rule 15c2-12.

Section 12. Adjustment of Maturities. The Chief Financial Officer, the City’s Auditors, Bond Counsel and Municipal Advisor are hereby authorized to adjust the maturity schedule of the Bonds following receipt and opening of the bids, subject to the following conditions: (i) no maturity schedule adjustment shall exceed ten percent (10%) upward or downward of the principal for any maturity of the Bonds as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate principal amount of the Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$15,710,000. The dollar amount bid by the Successful Bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter’s discount and the original issue premium or discount, but will not change the per bond underwriter’s discount, as calculated from the bid, and the initial public offering prices required to be delivered to the City, as stated in the Notice of Sale.

Section 13. Effective Date. This Resolution shall take effect immediately.

Recorded Vote

AYE NO ABSTAIN ABSENT

Resolution No. 163 of 2019

M/S- Toto/Dill

The resolution was adopted by unanimous vote of those present.

No. 163 of 2019

Subject: Amending Personnel Policies and Procedures Manual

Introduced by: Councilmen Dill, Tapp and Toto

WHEREAS, it is the policy of City of Somers Point to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the

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Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the City Council has determined that there is a need to amend the personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the City Council of the City of Somers Point that the Personnel Policies and Procedures Manual is hereby amended to include the policies, procedures and forms attached hereto and made a part hereof and to replace the existing policies and procedures that may have previously been adopted as the referenced page number, if applicable, as follows:

<u>Item</u>	<u>PPPM Page Number</u>
Open Public Meetings Act Procedures Concerning Personnel Matters	VIII-67

Resolution No. 164 of 2019

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

No. 164 of 2019

Subject: Authorizing Participation in the Houston-Galveston Area Council Purchasing Cooperative

Introduced by: Council President McGuigan, Councilmen Dill and Gerety

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

WHEREAS, the Houston-Galveston Area Council (H-GAC) is a nationally recognized purchasing cooperative that has acted as the lead agency and awarded contracts for various goods and services; and

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WHEREAS, participation in the H-GAC Cooperative will provide the City with greater purchasing flexibility, opportunities to achieve cost savings, and a reduction in administrative expenses; and

WHEREAS, in order to participate in the H-GAC Cooperative it is necessary for the City to enter into an Interlocal Contract for Cooperative Purchasing.

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

Resolution No. 166 of 2019

M/S- Tapp/Gerety

The resolution was adopted by unanimous vote of those present.

No. 166 of 2019

Subject: Authorizing Discontinuance of Sewer Service to Block 1941.01 Lot 1

Introduced By: Council President McGuigan

WHEREAS, the Rules and Regulations of the Somers Point Sewer Utility provide that sewer service shall not be considered a service which can be temporarily discontinued and that service can only be discontinued in case of demolition of a building, or of a fire which makes the building or structure uninhabitable, or by order of the Board of Health to vacate a building for health reasons; and

WHEREAS, the City Council of the City of Somers Point recognizes that there can be circumstances that are not considered in the Rules and Regulations that may warrant that the rules be suspended; and

WHEREAS, the water service to 991 Mays Landing Road, Block 1941.01 Lot 1 is shut off while the property that is also known as Fairway Service Station is undertaking an environmental remediation of the site; and

WHEREAS, the owner of this property has requested that the sewer service be disconnected.

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

1. As an accommodation to this extenuating circumstance, the sewer service to Block 1941.01 Lot 1 shall be discontinued effective September 1, 2019.
2. Upon reconnection to the sewer system, it shall be the obligation of the owner of this property to request that the connection be re-established in writing to the City Administrator, and billing will recommence on the date of the reconnection.
3. Should it later be determined that the property has reconnected to the sewer system of the City of Somers Point without making the proper notification to the City Administrator, then the billing for sewer service shall be made retroactively to September 1, 2019, the date of the allowed disconnection.

Resolution No. 167 of 2019

M/S- Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 167 of 2019

Subject: Authorizing Advertising Bids for Somers Point Bikepath Widening

Introduced by: Councilmen Dill and D'Adamo

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to widen the Somers Point Bikepath and replaced all existing ornamental lights with energy efficient LED lights; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer and Michael Baker International, Inc. are hereby authorized to prepare plans and specifications for the Somers Point Bikepath Widening project; 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.

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Resolution No. 168 of 2019

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

No. 168 of 2019

Subject: Change Order 1 – Contract No. 51 – Higbee Pier Transient Marina

Introduced by: Councilman Dill and Toto

WHEREAS, in accordance with Resolution 199 of 2018, Walters Marine Construction, Inc., of Ocean View, N.J., was awarded the contract for the Higbee Pier Transient Marina for the sum of \$1,477,400.00; and

WHEREAS, Atlantic City Electric is requiring the electric service for the Higbee Pier Transient Marina to be located underground and under the dock instead of overhead as shown in the bid documents;

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:

Base Contract	\$1,477,400.00	
Change order 1 (to reflect underground electrical service)	\$58,534.20	
Revised Contract Amount	\$1,535,934.20	
Total Deduction: \$0	Total Additional: \$58,534.20	Net Change: 3.96%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for Higbee Pier Transient Marina 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. 170 of 2019

M/S- Gerety/Dill

The resolution was adopted by unanimous vote of those present.

Council President McGuigan reported that he and Councilmen Dill and Tapp met with the citizens to hear their concerns, and this resolution is a result of that meeting.

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No. 170 of 2019

Subject: Requesting NJDOT to Perform a Traffic Study on Somers Avenue and to Explore Alternatives for Route 52 Traffic

Introduced by: Councilmen Dill, Tapp, and McGuigan

WHEREAS, in accordance with the Route 52 circle elimination and bridge replacement project, left turns from Goll Avenue southbound onto Shore Road became prohibited; and

WHEREAS, the New Jersey Department of Transportation installed Route 52 directional signs on Bay Avenue and Somers Avenue to direct traffic on Bay Avenue to utilize Somers Avenue to turn left on Shore Road southbound to access Route 52;

WHEREAS, Somers Avenue is a local residential street; and

WHEREAS, a traffic analysis study has not been performed since the completion of Route 52 project to determine the level of the impact on the street of the increased traffic.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that it requests That New Jersey Department of Transportation perform a traffic analysis to determine the impact on Somers Avenue and to explore other alternative traffic patterns along Bay and Somers Avenues.

BE IT FURTHER RESOLVED by the City Council of the City of Somers Point that copies of this resolution be sent to the New Jersey Department of Transportation, the office of State Senator Chris Brown, the office of Assemblymen Vincent Mazzeo, and the office of Assemblyman John Armato.

Resolution No. 171 of 2019

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

No. 171 of 2019

Subject: A Resolution to Adjourn to Executive Session to Discuss Pending Litigation Entitled Waterfront Powersports, Inc. v. City of Somers Point, City of Somers Point Planning Board and GMH Restaurant Holdings, LLC, Docket No. ATL-L-2004-19

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Introduced By: Council President Sean McGuigan

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, 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 one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on August 22, 2019, 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) and next to applicable exception is a box within which the **number of issues** to be privately discussed that fall within that exception shall be written, and after each exception is a space where 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) **Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Described as specifically as possible without undermining the need for confidentiality is:**

To discuss with Counsel the issues related to litigation entitled, Waterfront Powersports, Inc. v. City of Somers Point, City of Somers Point Planning Board and GMH Restaurant Holdings, LLC, Docket No. ATL-L-2004-19 matters subject to the Attorney-Client Privilege

WHEREAS, the length of the Executive Session is estimated to be approximately 20 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 immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing;

BE IT FURTHER RESOLVED that any 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

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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 Above	Cannot be determined at this time.	City Council Action by Resolution or Order of the Superior Court of State of New Jersey

BE IT FURTHER RESOLVED that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken at this time

Consent Agenda:

None

Old Business:

None

New Business:

City Council concurred to approve the following with Council President McGuigan recusing himself from the subject of the Good Old Days:

- Consideration for the City of Somers Point Historical Society’s Raffle Application Fee to be Waived.
- Consideration of Social Affair Permit for the Christ Episcopal Church on October 25, 2019.
- Consideration of Social Affair Permit for Good Old Days Festival at John F. Kennedy Park on September 7, 2019

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- Consideration of Social Affair Permit for St. Joseph's Church on October 18, 2019

Discussion of Bills:

Administrator Swain reported Records of Payments on 8/2/19 for \$110,120.82, on 8/6/19 for \$835.00, on 8/16/19 for \$14,700.00, on 8/16/19 for \$1,820,518.05 and on 8/20/19 for \$42,853.90. Additionally, Mr. Swain reported a Bill List dated 8/20/19 in the amount of \$2,490,195.22.

Public Portion:

The meeting was duly opened to the public, and after hearing the public, it was duly closed.

A resident expressed her concern regarding the area of her neighborhood that has renters, and the property is in disrepair and vehicles are unregistered. City Council President McGuigan mentioned that regarding some of her concerns she needs to call the police department and other matters, she needs to call the Code Enforcement Officer.

Payment of Bills:

M/S – Dill/D'Adamo

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

Recess:

The Governing Body recessed briefly before going into Executive Session at 9:03 p.m.

Reconvene:

Council President McGuigan reconvened the Governing Body to Open Session at 9:40 p.m.

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Adjournment:

There being no further business to come before Council, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 9/12/19