

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
August 24, 2023**

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

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

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

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**Open Public Meetings Act:**

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

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Council President Johnston pulled Resolution No. 186 of 2023, as it is a duplicate resolution.

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**Public Portion Resolutions (Resolution No. 181 of 2023 Only)**

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

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**Resolution No. 181 of 2023**

**M/S-** Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan thanked the Green Thumb Garden Club, and everyone involved. He appreciates seeing people taking pride in their homes. He congratulated Donna Mohr and all the winners.

Mayor Glasser congratulated Donna on her 50<sup>th</sup> wedding anniversary. He stated that the Garden Club is essential to the City and thanked them for their hard work.

**No. 181 of 2023**

**Congratulating Winners of the “Pride in the Point” Garden Club Contest**

**WHEREAS**, the Somers Point Green Thumb Garden Club has been an institution in the City for over seventy years, providing various landscaping activities, and ideas for many members of the

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community, helping to increase the awareness of the horticultural arts and encouraging homeowners to continue to beautify their homes; and

**WHEREAS**, they hold a garden contest each year, known as “Pride in the Point”; and

**WHEREAS**, this year’s winners of the contest are as follows:

<b>Category</b>	<b>Winner</b>
Best Large Flower Garden	Donna Mohr, Village Drive
Best Medium Flower Garden	Larry Lemieux, Shore Road
Best Large Flower Garden	Deborah Havrilchak, 7 <sup>th</sup> Street
Most Enthusiastic Gardener	Amanda LaBoy, Pennsylvania Ave.
Best Pollinator Garden	George Wilson, Pacific Avenue
Best Vegetable Garden	Josh Stroker, Dartmouth Road
Best Container/Window Box	Mary Kate McKenna, Nassau Road
Best Members Only Garden	Mary Sue Lovett, Pleasant Avenue

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

**ALSO BE IT RESOLVED** that the City Council of the City of Somers Point hereby conveys their gratitude to the Somers Point Green Thumb Garden Club for their continuing to have a positive impact in the community.

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**Communications:**

Council Member McGuigan read aloud letters from Walt Gregory, of the Somers Point Licensed Beverage Association; Somers Point Community First, which is a volunteer organization of concerned citizens who live and work in Somers Point; and a private citizen, all in opposition of Ordinance No. 19 of 2023 and the opening of cannabis retail and distribution stores.

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**Mayor’s Report:**

Mayor Glasser thanked Shore Medical Center for the use of their property for the Horsepower by the Bay Car Show on October 21, 2023, from 10 a.m. to 2.p.m. and then Trunk or Treat from 4 p.m. to 6 p.m. He reported that the Veterans Advisory Committee is planning to meet in the first two weeks of September to discuss Veteran’s Day and Pearl Harbor Day. He also confirmed that there will be a 9/11 memorial service at Patriots Park at 8 a.m. on September 11, 2023. Moreover, he, along with Administrator Frost and the Public Safety Committee, met with their Egg Harbor Township counterparts, where they discussed the rescue squad and the need for an ambulance to be stationed here at City Hall. Lastly, he read aloud a Notice of Public Forum from the New Jersey Department of Transportation regarding the grant of \$861,000.00 that the City received for Shore Road pedestrian improvements. He thanked City Administrator Frost and City Engineer Schneider for their efforts in obtaining the grant.

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**Administrator’s Report:**

City Administrator Frost asserted that the meetings regarding the rescue squad are ongoing and moving in a positive direction.

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**Solicitors Report:**

Solicitor Smith discussed the Planning Board’s recommendation to Ordinance No. 19 of 2023.

Council President Johnston stated that she believes that City Council should not move forward with Ordinance No. 19 based on the input given from the Planning Board, City professionals, organizations, and residents.

Council Member McGuigan asked for clarification on the procedural process of doing away with Ordinance No. 19.

Solicitor Smith explained that, procedurally, it can either be put on the agenda later, City Council can do nothing and let the ordinance expire starting the first of next year, or they can vote to table it.

Council Member Dill hopes for this dispute to be over and to not see Ordinance No. 19 back on the agenda later in the year.

Council Member Depamphilis stated that although he is a member of the Cannabis Committee, if the residents do not want this ordinance, then neither does he.

The Planning Board’s recommendation is as follows:

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

From: Jayne Meischker, Planning Board Secretary

Re: Planning Board Review of Proposed Ordinance No. 19 of 2023

Date: August 17, 2023

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In accordance with N.J.S.A. 40:55D-26(a), at its regular meeting on August 16, 2023, the Somers Point Planning Board (the “**Board**”) conducted the required review of proposed Ordinance No. 19 of 2023 (“**Ordinance No. 19**”) to determine the consistency of Ordinance No. 19 with the City’s Master Plan. The Board received the written report of John Helbig, a New Jersey licensed professional planner, dated August 16, 2023, and heard his testimony and opinion

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at the hearing that Ordinance No. 19 was consistent with the City’s Master Plan, primarily due to the emphasis on retaining regional retail uses.

In addition, although not required under the MLUL, the Board allowed members of the public to address the Board with their concerns about Ordinance No. 19 and consistency with the Master Plan. There was considerable discussion by the board regarding consistency with the Master Plan and the need for further investigation into parking requirements, areas in which the proposed uses should be allowed, traffic impact and impact on residential zones.

At the conclusion of this review, a motion was made and seconded to find Ordinance No. 19 consistent with the City’s Master Plan. This motion was defeated by a vote of 2 in favor and 5 against. The comments and recommendations made by the Board with regard to Ordinance No. 19 including the following:

1. Cannabis sales not feasible for Route 9 between Groveland Avenue to Pennsylvania Avenue. This area should be deleted from the proposed sales area.
2. A traffic impact study should be conducted to see how the retail location will potentially impact traffic.
3. Parking requirements should be reviewed to ensure that a sufficient minimum parking space requirement is included in Ordinance No. 19.
4. Consider limiting cannabis businesses to outer areas of the City to avoid traffic congestion.

In conclusion, the Board found that the proposed Ordinance No.19 is not consistent with the City’s Master Plan and additional analyses should be performed before adoption.

This Memorandum shall constitute the report of the Board to City Council pursuant to N.J.S.A. 40:55D-26e(a).

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## **Engineers Report:**

City Engineer Schneider reported that the Bike Path Enhancement Project has been completed. He also elaborated on the Public Meeting for the proposed pedestrian improvements on Shore Road and emphasized that it will be an informal meeting where all are welcome to share their ideas.

Council President Johnston added that City Engineer Schneider and the County have been working on this project for several months and although they have some great ideas, they are always open to hearing more.

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## **Committee Reports:**

- Arts Commission: Council Member Bruno related that on August 29, 2023, from 5:30 p.m. to 7:00 p.m., a photography exhibit reception will be held at Shore Medical Center. In addition, their “Talent by the Bay” showcase is scheduled for October 15, 2023.

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- Parking Committee: Council President Johnston met with the Parking Committee regarding a parking permit request for 43 East New Jersey Avenue. The committee recommends not to issue this permit, as it could create a precedent for other residents with no off-street parking.
- Historical Society: Council Member Owen affirmed that the Historical Society is sponsoring the Good Old Days Festival on September 9, 2023, and sharing the park with the Arts Commission for their Art in the Park. He also detailed that there will be a viewing of the Grace Kelly movie on September 15, 2023.

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Council Member Dill requested to open for public comment early on Ordinance No. 19 of 2023 only.

Council President Johnston duly opened the meeting to the public.

Richard Croft of 101 Blue Meadow Lane, Winslow Township, shared his discontent with City Council dropping Ordinance No. 19.

Ed O'Donnel of 21 MacArthur Boulevard thanked City Council for not moving forward with Ordinance No. 19.

Elizabeth Almond of Wysteria Walk expressed her disagreement with the sale of cannabis in the City. In addition, she believes that the City is not getting enough revenue from the medical facilities.

Bob Robertson, a representative of Shore Medical Center, assured the public that they, as well as any affiliates pay their taxes. He stated that Shore Medical center opposes cannabis and supports the City.

Kathy Ciboldi of 15 Bay Avenue articulated her disapproval of the recreational sale of cannabis.

Patricia Hughes of Warwick Avenue defended the Planning Board's recommendation and thanked City Council for their opposition.

David Hughes of Warwick Avenue thanked City Council for supporting the public's opinion and discussed various reasons why the City would be better off without cannabis.

Harry Stites of Rhode Island Avenue asked for clarification on the status of Ordinance No. 19 and stated his resistance to this ordinance.

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

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**Approval of Minutes:**

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On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the Regular Meeting Minutes of 7/27/2023.

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**Ordinances:**

**Ordinance No. 20 of 2023**

*(Second Reading/Public Hearing/Adoption)*

M/S- Owen/Dill

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

- Owen – Yes
- Bruno – Yes
- DePamphilis – Yes
- Dill – Yes
- McGuigan – Yes
- McCarrie – Yes
- Johnston - Yes

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

**No. 20 of 2023**

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY** (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), AS FOLLOWS:

**Section 1. Description of Projects:**

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

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
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a.) Construction of Improvements to Exton Road Pump Station, together with all materials and work necessary therefore, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

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

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

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

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

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

	\$1,188,000	\$1,188,000	40 years
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d.) Construction of Exton Road Shoreline Stabilization/Living Shoreline project, together with all materials and work necessary therefore, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

	\$696,000	\$696,000	40 years
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<b>TOTAL</b>	<u>\$4,300,000</u>	<u>\$4,300,000</u>	40 years
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**Section 2. Permanent Funding of Appropriation**

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



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Department of Environmental Protection (the “State”) pursuant to the New Jersey Infrastructure Bank Financing Program (the “**I-Bank Financing Program**”).

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

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

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

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

If the City shall elect to forego the I-Bank Construction Financing Program, then prior to the issuance of permanent bonds and to temporarily finance the Stormwater System Improvement Projects stated in Section 1, above, negotiable notes of the City in a principal amount not exceeding FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Bond Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less

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than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the City Council at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Bond Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Bond Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5. Additional Matters**

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

(a) The said purposes described in Section 1 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by **FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000)**, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this Bond Ordinance. The said obligations authorized by this Bond Ordinance will be within the debt limitations prescribed by the Local Bond Law.

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

**Section 6. Maturity of Bonds**

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

**Section 7. Authorization to Contract**

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

## **Section 8. Execution of Documents**

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

## **Section 9. Covenants**

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

## **Section 10. Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 1 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this Bond Ordinance and shall be deemed to have been taken pursuant to this Bond Ordinance.

## **Section 11. Application of Grants**

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

## **Section 12. Full Faith and Credit**

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

## **Section 13. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 1 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 1 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction)

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will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 14. Effective Date**

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

**Section 15. Capital Budget**

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

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**Resolutions:**

**Public Portion Resolutions:**

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of 587 Marks Road asked for clarification on Resolutions No. 189, 192, 193, 196, 197, and 198.

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

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**Resolution No. 182 of 2023**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

**No. 182 of 2023**

**Subject: Chapter 159 Resolution – National Opioids Settlement**

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

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

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

**WHEREAS**, the City of Somers Point has received a grant in the amount of \$3,017.17 and wishes to amend its 2023 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 2023 in the sum of \$3,017.17 which item is now available as a revenue from:

**Miscellaneous Revenue**

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

Public and Private Revenue Offset with Appropriations:

National Opioids Settlement \$7,299.53

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$ 7,299.53 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement \$7,299.53

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

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**Resolution No. 189 of 2023**

**M/S-** Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 189 of 2023**

**Subject: Acknowledging and Approving the Hiring of a Full Time Laborer**

**Introduced By: Council Members Dill, McGuigan, and McCarrie**

**WHEREAS**, due to a resignation, there exists a need to hire a full-time laborer for the Department of Public Works; and

**WHEREAS**, Rick Heiler has been employed by the City as a part time employee beginning in December of 2011, and his full time employment was recommended by the Supervisor of Public Works; and

**WHEREAS**, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of Rick Heiler to the full-time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248, effective September 1<sup>st</sup>, 2023.

**BE IT FURTHER RESOLVED** that his annual salary is established at \$39,864.00 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2023, Start Year 2 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

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**Resolution No. 190 of 2023**

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 190 of 2023**

**Subject: Authorizing the Chief Financial Officer to Cancel Grant Balance**

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

**WHEREAS**, the Chief Financial Officer has completed a review of the Grant Fund; and  
**WHEREAS**, as a result of the review, the Chief Financial Officer recommends that the following balance be canceled from the Grant Fund general ledger, subject to whatever modifications may be necessary as a result of activity in those accounts occurring on or before December 31, 2023:

<u>Description</u>	<u>Cancel</u>	<u>Cancel</u>
<u>Grants Receivable</u>		
FY2023 Local Recreation Improvement Grant	\$70,000	
<u>Appropriated Reserves</u>		
FY2023 Local Recreation Improvement Grant		\$70,000
	<hr/>	<hr/>
	\$70,000	\$70,000
To Current Fund Balance: \$0		

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**Resolution No. 192 of 2023**

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 192 of 2023**

**Subject: Appointing Municipal Court Administer**

**Introduced By: Council Members Dill, McGuigan, and McCarrie**

**WHEREAS**, there is a vacancy in the position of Court Administrator due to the retirement of Margy Wismer, effective June 30<sup>th</sup>, 2023; and

**WHEREAS**, the procedure for appointing an Municipal Court Administrator is directed by the Administrative Offices of the Court; and

**WHEREAS**, those procedures require advertising the position, interviews of the qualified candidates by representatives of the Court Vicinage and the City, and approval of the selected candidate by the Court Vicinage Assignment Judge; and

**WHEREAS**, three candidates were selected to be interviewed and the interviews were held on

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July 26<sup>th</sup>, 2023; and

**WHEREAS**, Tanya Hancock was selected by the interview committee and her selection was subsequently approved by the Court Vicinage Assignment Judge; and

**WHEREAS**, the City Administrator in conjunction with the Personnel Committee has recommended that Tanya Hancock be appointed from the position of Deputy Court Administrator to the position of Court Administrator; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby promotes Tanya Hancock to the position of Court Administrator, pending promotional exam, if necessary.

**BE IT FURTHER RESOLVED** by the City Council of the City of Somers Point as follows:

- 1.) The appointment of Tanya Hancock to the position of Municipal Court Administrator, New Jersey Civil Service Local Government Job Specification 07796, within the Municipal Court Department effective September 1<sup>st</sup>, 2023 is hereby acknowledged.
- 2.) Effective September 1<sup>st</sup> 2023, the annual salary of Tanya Hancock will be \$70,000.00. Additional terms of employment shall be governed by the Personnel Policies and Procedures Manual of the City of Somers Point.

\*\*\*\*\*

**Resolution No. 193 of 2023**

**M/S-** Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

**No. 193 of 2023**

**Subject: Change Order 2 – Contract No. No. 122 – Bay Avenue Replacement Lights Rebid**

**Introduced By: Council Member Dill**

**WHEREAS**, in accordance with Resolution 53 of 2023, Hughes Electric Company, LLC of Pleasantville, New Jersey, was awarded the contract for the Bay Avenue Replacement Lights Rebid for the sum of \$611,890.35; and

**WHEREAS**, during the course of construction changes were made due to stock addition lights for future repairs and to reflect as-built quantities; and

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

**WHEREAS**, in accordance with Resolution 97 of 2023, Change Order Number 1 for emergency electrical repairs on the Rt.52 fishing pier decorative lights and the decorative lighting at the Rt.52 and Shore Road intersection due to a traffic accident involving the control panel for these lights was previously approved; and

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

Contract Amount	\$611,890.35	
Change order 1	\$52,340.00	
Change order 2	\$3,063.97	
Revised Contract Amount	\$667,294.32	
Total Deduction: \$0	Total Additional: \$55,403.97	Net Change: 9.05%

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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for the Bay Avenue Replacement Lights Rebid 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. 194 of 2023**

**M/S-** Owen/Bruno

This resolution was adopted by unanimous vote of those present.

**No. 194 of 2023**

**Subject: Change Order #1 – Contract 16 – Cedar Avenue Sanitary Main Extension**

**Introduced By: Council President Johnston**

**WHEREAS**, in accordance with Resolution 107 of 2023 Seashore Associated Mechanical Contractors Inc. of Egg Harbor City, New Jersey was awarded the contract for the Cedar Ave Sanitary Sewer Main Replacement – Contract No. 16 Project for the sum of \$109,275.00; and

**WHEREAS**, during the course of construction changes were made to reflect an adjustment due to a utility conflict; and

**WHEREAS**, the Sewer Utility Engineer has recommended approval of these changes; and

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

Base Contract		\$ 109,275.00
Change order 1		
(to reflect as-built quantities)	+	\$ 788.50
Revised Contract Amount		\$ 110,063.50
Total Deduction: \$0	Total Additional: \$788.50	Net Change: + .7216%

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for the 2023 Sanitary Sewer Main Replacement – Contract No. 16 Project is hereby approved and that the City Administrator is hereby authorized to execute all documents in this regard on behalf of the City.

\*\*\*\*\*

**Resolution No. 195 of 2023**

**M/S-** McCarrie/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member Dill inquired whether the fees were comparable to other municipalities.

**No. 195 of 2023**



# REGULAR MEETING MAYOR AND CITY COUNCIL August 24, 2023

**Subject: Amending Technical Sub Code Fees Set Forth within Section 100-3B (15) of Chapter 100 “Construction Codes, Uniform” of the Somers Point Municipal Code**

**Introduced by: Council Members DePamphilis, McCarrie, and McGuigan**

**WHEREAS**, Ordinance No. 22 of 1999 provides that City Council shall by resolution enact and, from time to time, amend standardized fees in accordance with Chapter 100 of the Code of the City of Somers Point; and

**WHEREAS**, these fees were last fixed by Resolution No. 56 of 2021; and

**WHEREAS**, it is the intention of this governing body that the fees be amended as recommended by the City’s Construction Code Official: and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the following fees schedule is established and will supersede any fees set prior to this resolution:

<b><i>Electric Permit Fee Schedule</i></b>	
Minimum Inspection Fee	\$ 65.00
Range	\$ 15.00
Oven	\$ 15.00
<b><i>Surface Unit</i></b>	<b><i>\$ 15.00</i></b>
Dishwasher	\$ 15.00
<b><i>Garbage Disposal</i></b>	<b><i>\$ 15.00</i></b>
Dryer	\$ 15.00
<b><i>Air Conditioner</i></b>	<b><i>\$ 15.00</i></b>
Intercom Panels	\$ 35.00
Storable Pool/SPA/Hot Tub	\$ 15.00
Swimming Pool Annual Inspection	\$ 75.00
Pool Permit w/ UW Lights	\$ 75.00
Water Heater	\$ 35.00
Central Air/Oil/Gas Electric	\$ 35.00
Baseboard Heat / Furnace Reconnect	\$ 15.00
Thermostat	\$ 15.00
Heat Pump	\$ 15.00
Pump - Over 1 HP	\$ 35.00
Light Standards/Luminaires >8"	\$ 15.00
Burglar/Fire Alarms - In New Homes	\$ 15.00
Burglar/Fire Alarms - Add-ons to Existing	\$ 15.00
<b>Switches, Light, Receptacles, Detectors, and Motors less than 1 HP</b>	
1 to 50	\$ 55.00
Each Additional 25 Units	\$ 15.00
<b>Motors</b>	
1 to 50 HP	\$ 65.00

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51 to 100 HP	\$	100.00
Over 100 HP	\$	600.00
<b>Transformers/Generators/Inverters</b>		
1 to 50 Kilowatts	\$	150.00
51 to 100 Kilowatts	\$	200.00
Over 100 Kilowatts	\$	600.00
<b>Service Panels/Subpanels/Entry Cables</b>		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	129.00
<b>Equipment Service/Panel Board/Motor Control Disconnect</b>		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	125.00
Greater than 1,000 amperes	\$	129.00
Temporary Pole	\$	65.00
<b>Photovoltaic Systems (Residential &amp; Commercial)</b>		
1 to 50 Kilowatts	\$	250.00
51 to 100 Kilowatts	\$	300.00
Over 100 Kilowatts	\$	900.00
<b>Plumbing</b>		
Fixture/Equipment	\$	65.00 Minimum
Water Closet	\$	20.00
Urinal/Bidet	\$	20.00
Bathtub	\$	20.00
Lavatory	\$	20.00
Shower	\$	20.00
Floor Drain	\$	20.00
Condensate Drain	\$	20.00
HVAC Drain Connection	\$	20.00
Sink	\$	20.00
Dishwasher	\$	20.00
Drinking Fountain	\$	20.00
Hose Bib	\$	20.00
Water Heater	\$	90.00
Hot Water Boiler (including backflow)	\$	90.00
Steam Boiler	\$	90.00
Sewer Pump	\$	90.00
Interceptor Separator	\$	90.00
Backflow Preventer	\$	90.00

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Grease Trap	\$	90.00
Water Cooled Air Conditioning/Refrigeration	\$	90.00
Sewer Connection	\$	90.00
Water Connection	\$	90.00
Water Lines	\$	90.00
Gas Piping and service connection	\$	90.00
Fuel Oil Piping	\$	90.00
Annual Inspection/Backflow/Cross Connection	\$	90.00
<b>Vent Stacks</b>	<b>\$</b>	<b>25.00</b>
Pool Heaters	\$	90.00
<b>Mechanical Device</b>		
Replacement of like mechanical equipment in residential R3, R4, R5 Use Groups – Cost of first Device	\$	90.00
Cost per each additional Device	\$	20.00
<b>Fire</b>		
Minimum Inspection Fee	\$	65.00
Gas and Oil-fired Appliance not connected to plumbing	\$	65.00
Woodstoves, Fire Places, Space Heater, Metal Chimney	\$	65.00
Remanufactured Fireplace/Gas Piping to Appliances	\$	65.00
Independent Pre-engineered System	\$	65.00
Kitchen Exhaust System	\$	65.00
Standpipes	\$	125.00
<b>Sprinkler Heads</b>		
1 to 20 Heads	\$	90.00
21 to 100 Heads	\$	160.00
101 to 200 Heads	\$	300.00
201 to 400 Heads	\$	800.00
401 to 1000 Heads	\$	1,100.00
Over 1000 Heads	\$	1,500.00
<b>Detectors</b>		
Single/Multi-station/Heat/Fire Alarm Systems - Residential		
<b>1 to 12</b>	<b>\$</b>	<b>75.00</b>
Each Additional 25	\$	20.00 per groups of 20
Special Fire Detection Equipment	\$	28.00 per \$1,000 of Cost
Manual Alarm Systems 1 to 4 Zones	\$	65.00
Each Additional Zone	\$	28.00 per \$1,000 of Cost
<b>Tank Installation/Removal</b>		<b>Residential \$75 Commercial \$180</b>
<b>Building Permits</b>		
	\$	65.00 Minimum

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New Construction per Cubic Foot	\$	0.038/ Per Cubic Foot (Minimum \$300)
Renovation/Alteration/Repair per \$1,000 of Cost	\$	34.00
Asbestos Hazzard Abatement	\$	200.00
Lead Hazzard Abatement	\$	175.00
Demolition - 1 or 2 family	\$	150 per building
Demolition of Accessory Structures	\$	150.00
<b><i>Demolition of Other Use Groups</i></b>		
4 stories or less	\$	300.00
5 to 8 stories	\$	400.00
Over 8 Stories	\$	500.00
Move a building		\$20 per \$1,000 of cost
<b>Solar Panel Racking</b>	\$	34.00 per \$1000 of cost
Residential - minimum	\$	200.00 Minimum
Commercial - minimum	\$	300.00 Minimum
<b>Sign</b>		\$5 per square foot
<b><i>Fences or Concrete</i></b>		
		\$20 per \$1,000 of cost
<b>Dumpsters (5 Day Minimum in Street)</b>	\$	20.00
<b>State Training Surcharge Fee</b>		<b><i>\$0.037 per Cubic Feet or \$1.90 per \$1,000 of Cost</i></b>
<b>Fee to Reinstate Lapsed Permit</b>		50% of Original Permit Fee
<b>Bulkhead</b>		\$30 per \$1,000 of cost
<b>Pilings</b>		\$30 per \$1,000 of cost
<b><i>Pools</i></b>		
Aboveground	\$	150.00
In ground	\$	250.00
<b><i>Sheds</i></b>		
Pre-Built	\$	34 per \$1,000 of cost
Site-Built	\$	0.038 per cubic foot
>200 Sq Ft	\$	100.00 Minimum
>300 Sq Ft	\$	150.00 Minimum
<b><i>Tents</i></b>		
>900 square feet or 30' in diameter	\$	250.00
<b>Zoning Permit</b>		
New Home/Addition	\$	100.00

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Associated – Fence/ Shed/ Concrete/ Pool/ Deck/ Generator/ Condenser	\$	50.00
Commercial – New Construction/ Addition/ Sign/ Fence	\$	200.00
<b>Rental</b>		
Registration	\$	50.00 Annually
Commercial Inspection Fee at Tenant Change	\$	250.00
Residential or Apartment Inspection Fee at Tenant Change	\$	250.00
Short Term Rental Inspection	\$	250.00
<b>Resale</b>		
Residential Resale Inspection	\$	250.00
Commercial Resale Inspection	\$	100.00

\*\*\*\*\*

**Resolution No. 196 of 2023**

**M/S-TABLED**

Council Member Bruno asked for clarification on this resolution and where the block is located.

Council Member Dill asked whether the City’s affordable housing unit responsibilities will increase from 13 to 22 if this project moves forward.

Council President Johnston explained that the location is for DeFeo Lane, however, the builder is open to other locations. She clarified that this resolution is just to hire an attorney to investigate and advise City Council on whether this project could work. Also, she stated that the builder has agreed to pay all expenses for this attorney. In response to Council Member Dill, she articulated that while it is a possibility that the unit responsibilities could increase, the goal is to transfer 26 units from Bay Avenue to this new location and get credit for 60 senior affordable units.

Council Member McGuigan expressed the need for City Council to have more information before voting on this resolution.

On the motion of Council Member McGuigan, seconded by Council Member Owen and carried to approve to table Resolution No. 196 of 2023. Roll Call Vote to Table as follows:

- Bruno – Yes
- Owen – Yes
- DePamphilis – Yes
- McCarrie – Yes
- McGuigan – Yes
- Dill – Yes
- Johnston - Yes

**No. 196 of 2023**

**REGULAR MEETING  
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**TABLED**

**Subject: Appointing Attorney to Represent the City of Somers Point in a Matter Involving New Jersey Council on an Affordable Housing and Fair Housing Act Matters, Regulations and Compliance**

**Introduced by: Council President Johnston**

**WHEREAS**, the City of Somers Point has identified a need for an attorney to provide advice, counsel, and representation to the City of Somers Point on a matter involving New Jersey Council on Affordable Housing and Fair Housing Act matter, regulations and compliance, specifically the proposed development by Walters Development Co., LLC and/or Scarborough Development Group, LLC, of a three-story (3) apartment building consisting of sixty (60) senior affordable units and related amenities at Block 525, Lot 2.01 on Defeo Lane; and

**WHEREAS**, it is the intent of the City of Somers Point to appoint counsel to undertake and perform such services and provide such advice, counsel and representation as the City Council shall from time-to-time direct relative to such project, but in any event not for a period to exceed calendar year 2023; and

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

1. Michael J. Malinsky, Esquire, of the law firm of Fox Rothschild, LLP, is hereby appointed as an attorney to represent, advise and counsel the City of Somers Point on the proposed development by Walters Development Co., LLC and/or Scarborough Development Group, LLC, of a three-story (3) apartment building consisting of sixty (60) senior affordable units and related amenities at Block 525, Lot 2.01 on Defeo Lane involving the New Jersey Council on Affordable Housing and Fair Housing Act; and
2. This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public contracts Law because public bidding is not required for said service;
3. This appointment is not exclusive during the term of the contract to be awarded, and City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.

The Mayor is hereby authorized to execute an agreement with Michael J. Malinsky, Esquire, of the law firm of Fox Rothschild, LLP, to undertake and perform the aforesaid services and provide such advice, counsel and representation as the City Council shall from time to time direct, but in any event not for a period to exceed calendar year 2023. The agreement will be attached to this resolution and become a part hereof.

\*\*\*\*\*

**Resolution No. 197 of 2023**

**M/S- Owen/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 197 of 2023**

**REGULAR MEETING  
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**Subject: Authorizing the Extension of the Negotiating Period Pursuant to a Memorandum of Understanding between the City of Somers Point and AVIA NJ Mays Landing LLC**

**Introduced By: Council President Johnston**

**WHEREAS**, on May 25, 2023, the Somers Point City Council adopted Resolution No. 122 of 2023 authorizing the execution and delivery of a Memorandum of Understanding between the **CITY OF SOMERS POINT**, a public body, corporate and politic (the “City”), and **AVIA NJ MAYS LANDING, LLC**, a limited liability company organized and existing under the law of the State of Delaware and registered to do business in the State of New Jersey, as owner of Block 2020 / Lot 3 and also designated **AVIA NJ MAYS LANDING, LLC**, as the Interim Conditional Redeveloper for a proposed redevelopment project for the Redevelopment Property (Block 2020/Lot 3) and

**WHEREAS**, the City of Somers Point and Redeveloper executed said Memorandum of Understanding on June 1, 2023 (the “MOU”), with the goal of exploring and ultimately adopting an appropriate redevelopment plan for the Redevelopment Property and entering into a Redevelopment Agreement regarding the Redevelopment Project on the Redevelopment Property; and

**WHEREAS**, Section 2 of the MOU provided for a period of one hundred twenty (120) days commencing upon the Effective Date of the MOU (the “Negotiating Period”), in order to agree upon a mutually acceptable Redevelopment Plan and Redevelopment Agreement; and  
Whereas the Negotiating Period will expire on September 29, 2023; and

**WHEREAS**, although discussions have been held between the Parties, there remain a number of open issues which must be further discussed and resolved; and

**WHEREAS**, the Negotiating Period may be mutually extended by the Parties as contemplated by Section 5 of the MOU; and

**WHEREAS**, the Parties are desirous of continuing the negotiations.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that Section 2 of the MOU shall be amended to extend the Negotiating Period through February 1, 2024; and

**IT IS FURTHER RESOLVED** that the Mayor is authorized to execute and deliver Amendment 1 to the MOU in the form attached hereto; and

**IT IS FURTHER RESOLVED** that all other terms and conditions of the MOU shall remain in full force and effect.

\*\*\*\*\*

**Resolution No. 198 of 2023**

**M/S- Owen/Dill**

This resolution was adopted by unanimous vote of those present.

**No. 198 of 2023**

**REGULAR MEETING  
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**Subject: Authorizing Execution and Delivery of Amendment 1 to a Redevelopment Agreement between Somers Point Paddle Club LLC and the City of Somers Point to Extend the Time Frames for Commencement and Completion of the Redevelopment Project**

**Introduced By: Council President Johnston**

**WHEREAS**, on May 12, 2022 by Resolution 120 of 2022, the governing body of the City of Somers Point approved the execution and delivery of a Redevelopment Agreement between the City of Somers Point and the Somers Point Paddle Club LLC (the "Agreement") and designated Somers Point Paddle Club LLC as the Redeveloper (as defined in the Agreement) of the property within the Somers Paddle Club Redevelopment Plan Areas (as defined in the Redevelopment Plan and the Agreement) (the "Project") under the terms of the Agreement and more specifically as shown in Exhibit E (the "Project Schedule") provided that Redeveloper was to obtain all Development Approvals by June 1, 2023 and further provided that commencement of construction was to be on June 30, 2023; and

**WHEREAS**, the Redeveloper has diligently applied for and has obtained all land use and environmental approval within the required time frame; and

**WHEREAS**, it was necessary for Redeveloper to apply to the Director of the New Jersey Alcoholic Beverage Control Division (the "Director") for a Special Ruling pertaining to the issuance of a Club License and requesting a waiver from the strict requirements set forth in N.J.A.C. 13:2-8.1 et seq (the "Application" ); and

**WHEREAS**, the Application is being prepared; and

**WHEREAS**, the Redeveloper has requested the execution and delivery of Amendment 1 to the Agreement extending the Project Schedule to allow for a final decision by the Director; and

**WHEREAS**, for good cause shown, and deeming it to be in the best interest of the City and the Redeveloper to allow the necessary extension of time for commencement and completion of the Project construction.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council of the City of Somers Point accepts and approves the request from the Redeveloper to extend the Project schedule for the reasons set forth herein; and

**IT IS FURTHER RESOLVED** that the Mayor is authorized to execute and deliver Amendment 1 to the Redevelopment Agreement substantially in the form attached hereto; and

**IT IS FURTHER RESOLVED** that the Mayor, the City Clerk, and the City Administrator are authorized and directed to take any such further action as may be required to effectuate the intent of this Resolution.

\*\*\*\*\*

**Resolution No. 199 of 2023**

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 199 of 2023**

**Subject: Resolution Authorizing Execution and Delivery of a Fourth Amendment to the May 3, 2016 Redevelopment Agreement between the City of Somers Point and Bayview Court Urban Renewal, LLC Authorizing the Mayor to Execute a Fourth Amendment to the Redevelopment**



# **REGULAR MEETING MAYOR AND CITY COUNCIL August 24, 2023**

## **Agreement between Bayview Court Urban Renewal LLC and the City of Somers Point to Revise and Amend the Project Construction Schedule to Allow Additional Time to Achieve Certain Construction and Improvement Milestone Dates and to Extend the Date of Final Project Completion**

**Introduced By: Council President Johnston**

**WHEREAS**, the City of Somers Point entered into a Redevelopment Agreement with Bayview Court Urban Renewal, LLC (the "Redeveloper") dated May 3, 2016 (the "Redevelopment Agreement") which included as an Exhibit a Construction Schedule for the Redevelopment Project setting forth construction milestones and contemplating Project construction completion by January 15, 2021; and

**WHEREAS**, a First Amendment to the Redevelopment Agreement was entered into on December 20, 2017, amending the Construction Schedule to establish new construction milestones and setting a Project construction completion milestone of 136 rental units and hallway improvements by June 30, 2023, with a final Project completion date of June 30, 2029; and

**WHEREAS**, although the Redeveloper has attempted to diligently pursue the Redevelopment Project as contemplated by the Redevelopment Agreement, due to a series of delays caused or contributed to by, among other things, the COVID-19 pandemic, supply chain problems, increasing labor and material costs, the state-imposed moratorium on evictions, and other circumstances beyond the reasonable control of the Redeveloper the Redeveloper has submitted a request dated June 26, 2023 for a further extension of the Project Schedule beyond the completion date set forth in Exhibit "D" to the First Amendment with a final Project construction completion date not later than June 30, 2038; and

**WHEREAS**, on August 7, 2023, John Leonard, Managing Member of the Redeveloper met with the City Council's Redevelopment subcommittee to discuss the reasons for the construction schedule extension as part of the due diligence by the City; and

**WHEREAS**, on August 24, 2023, John Leonard appeared before the governing body during an open public meeting to make a presentation and to answer questions from members of the City Council pertaining to the extension request; and

**WHEREAS**, having considered the information presented on behalf of the Redeveloper in support of its request for a Fourth Amendment to the Redevelopment Agreement and having determined it is in the best interest of the City and of the public to ensure completion of the Redevelopment Project and all improvements to the Property contemplated by the Redevelopment Plan and the Redevelopment Agreement.

**NOW, THEREFORE, FOR GOOD CAUSE SHOWN IT IS HEREBY RESOLVED** by the City Council of the City of Somers Point that:

1. As a condition of approving a Fourth Amendment to the Redevelopment Agreement, Redeveloper represents and covenants that commencing upon the effective date of the Fourth Amendment the Redeveloper shall strictly comply with all of the terms and conditions of the Redevelopment Agreement as supplemented and amended including but not limited to Paragraph 1.3.10 and Paragraph 4, without any exception.
2. The Mayor is authorized to execute and deliver the Fourth Amendment to the Redevelopment Agreement in the form attached hereto.

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3. The Mayor, the City Clerk, and the city Administrator are authorized and directed to take any such further action as may be required to effectuate the intent of this Resolution; and

**BE IT FURTHER RESOLVED** that no further amendments to the Redevelopment Agreement shall be considered by the governing body of the City of Somers Point unless the Redeveloper shall provide 60 days advance notice of the request to amend, the basis for the request, allowing for review of all draft documents or commitments which Redeveloper may be required to execute and deliver, permitting the City Administrator and Solicitor the opportunity to review and comment to ensure that any such modifications shall not substantially impair the rights of the City and Redeveloper and shall hereafter comply with its obligations as set forth in the Redevelopment Agreement including but not limited to those affirmative obligations specified in Articles 4.1, and 8.4 of the Redevelopment Agreement to the extend not modified by the Fourth Amendment; and

**BE IT FURTHER RESOLVED** that nothing contained herein or in the First, Second, Third or Fourth Amendments to the Redevelopment Agreement is to be construed as a waiver of any rights Agreement, they or Redeveloper under the terms and conditions of the Redevelopment Agreement, the Long Term Tax Exemption & Capital Contribution Agreement, the First Amendment to the Long Term Tax Exemption & Capital Contribution Agreement, nor a waiver by the City of enforcement of any term or provision or of any future failure of Redeveloper to adhere to the terms and conditions of the Redevelopment Agreement, the Long Term Tax Exemption & Capital Contribution Agreement, the First Amendment to the Long Term Tax Exemption & Capital Contribution Agreement, the Redevelopment Agreement, the First, Second, Third or Fourth Amendments to the Redevelopment Agreement, or the Redevelopment Plan.

\*\*\*\*\*

**Consent Agenda Resolutions:**

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

**No. 183 of 2023**

**Subject: Authorizing Purchase of Public Administration Software through the Sourcewell (formerly NJPA) National Purchasing Program Contract from Brightly Software, Contract Number #090320-SDI, for the Somers Point Sewer Department.**

**Introduced By: Council President Johnston**

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

**WHEREAS**, the Sourcewell (formerly NJPA) National Purchasing Program has acted as lead agency and awarded Contract # 090320-SDI, Public Administration Software with an Expiration Date of 11/02/2024; and

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**WHEREAS**, the City’s Sewer Department has a continued need to purchase Public Administration Software to utilize for maintenance scheduling, asset reporting, best practice guidance, and various other applications; and

**WHEREAS**, Sewer Operator Steve Hornig, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Sourcewell #090320-SDI, Public Administration Software, and have determined that the acquisition of the software is the functional economic solution to continually evaluate the performance of the City of Somers Point’s Sewer Assets; and

**WHEREAS**, it is recommended that City Council approve the acquisition of this software for the Sewer Department’s use throughout the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, New Jersey, that Public Administration Software be purchased from Brightly Software in accordance with the Sourcewell #090320-SDI, Public Administration Software, contract for use by the Sewer Department as follows:

Item:

Total Amount of Sourcewell #090320-SDI,

Public Administration Software from Brightly Software ..... \$ 8,652.04

**BE IT FURTHER RESOLVED** that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$8,652.04 in accordance with the Sourcewell #090320-SDI, Public Administration Software, contract for use by the Sewer Department.

\*\*\*\*\*

**No. 184 of 2023**

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

**Introduced By: Council President Johnston**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City’s Qualified Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors, Hertrich Fleet Services (State Contract #17-FLEET-00210) pursuant to all conditions of the individual State Contracts:

ITEM:

(1) 2023 RAM 1500 TRADESMAN QUAD CAB 6.5'

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August 24, 2023**

TOTAL PRICE:	<b>BODY 4WD \$ 43,767.25</b>
STATE CONTRACT NO:	<b>#17-FLEET-00210 – HERTRICH FLEET SERVICES- TRUCK, PICKUP, CLASS 1, EXTENDED CAB, 6.5' BODY, 4WD - 2023 RAM 1500 TRADESMAN QUAD CAB 6.5' BODY 4WD - EXP 11/27/2023</b>

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

**BE IT FURTHER RESOLVED**, that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$43,767.25 one (1) 2023 RAM 1500 TRADESMAN QUAD CAB 6.5' BODY 4WD purchased from Hertrich Fleet Services, 191427 Bay Rd. Milford, DE 19963 in accordance with the State Contract #17-FLEET-00210, TRUCK, PICKUP, CLASS 1, EXTENDED CAB, 6.5' BODY, 4WD, contract for use by the Fire Department of the City of Somers Point.

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**No. 185 of 2023**

**Subject: Extending Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance**

**Introduced By: Council President Johnston**

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

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

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

**WHEREAS**, an open-end contract was awarded to Mathis Construction Co., Inc. that was in effect for a period of one (1) year with the possibility of two (2) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq. This will be the first (1) one-year extension option; and

**WHEREAS**, the Sewer Utility Engineer has found their work satisfactory and has recommended that the City accept the first one-year extension to the contract with Mathis Construction Co., Inc. with an index rate increase of 8% over the 2022 rate and in the established maximum amount of \$313,854.21.

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

- 3.) Because their services are being performed in an efficient and effective manner, a one-year extension to the Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey in the maximum amount of \$313,854.21.

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- 4.) The City Administrator is hereby authorized to execute any required documents in this regard on behalf of the City.

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**No. 187 of 2023**

**Subject: Authorizing an Amendment to the Shared Services Agreement with the Township of Galloway for the Purposes of Sharing Construction Office Services**

**Introduced By: Council President Johnston**

**WHEREAS**, the City of Somers Point previously entered into a Shared Services agreement with the Township of Galloway for the purposes of Sharing Construction Office Services authorized by Resolution 63 of 2023; and

**WHEREAS**, the City of Somers Point and Township of Galloway have agreed to amend their shared services agreement to reflect a change in the length of the agreement from a two (2) year agreement to a four (4) year agreement to comply with N.J.S.A 5:23-4.6(b)2. ; and

**WHEREAS**, the City Administrator has recommended that City Council adopt an amendment reflecting the increase in length of the noted Shared Service Agreement between the City of Somers Point and the Township of Galloway.

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

1. The amendment to the agreement by and between the Township of Galloway and the City of Somers Point which is attached hereto and made a part hereof is hereby approved.
2. The Mayor and the City Clerk are hereby authorized to sign the attached agreement amendment.
3. The Mayor and/or the City Administrator are hereby authorized to execute any further documents that may be necessary in connection with this shared services agreement on behalf of the City.

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**No. 188 of 2023**

**Subject: Authorizing Purchase of Various Manufacturer Pumps and Motor Repair and Replacement Through the Passaic Valley Sewerage Commission Cooperative Contract from GMH Associates of America Inc., Contract Number #B369-5, for the City of Somers Point**

**Introduced By: Council President Johnston**

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

**WHEREAS**, the Passaic Valley Sewerage Commission Cooperative has acted as lead agency and awarded Contract #B369-5, Various Manufacturer Pumps and Motors Repair and Replacement and Installation with an Expiration Date of 07/31/2024; and

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**WHEREAS**, the City’s Sewer Department has a continued need to purchase Various Manufacturer Pumps and Motors Repair and Replacement and to utilize for maintenance and repair of the City’s stormwater system; and

**WHEREAS**, the City Engineer, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Passaic Valley Sewerage Commission #B369-5, Various Manufacturer Pumps and Motors Repair and Replacement, and have determined that the stormwater removal, repair and replacement services are the functional economic solution to maintain and improve the City of Somers Point’s stormwater system; and

**WHEREAS**, it is recommended that City Council approve the contracted services for use throughout the City.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Somers Point, New Jersey, that Various Manufacturer Pumps and Motors Repair and Replacement be purchased from GMH Associates of America Inc. (5 Chelton Way, Bldg. 15, Trenton, N.J. 08638) in accordance with the Passaic Valley Sewerage Commission Cooperative #B369-5, Various Manufacturer Pumps and Motors Repair and Replacement, contract for use by the Sewer Department as follows:

Item:

Total Amount of Passaic Valley Sewerage Commission Cooperative #B369-5,  
Various Manufacturer Pumps and Motors Repair and Replacement  
from GMH Associates of America Inc. .... \$  
39,878.87

**BE IT FURTHER RESOLVED** that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$39,878.87 in accordance with the Passaic Valley Sewerage Commission Cooperative #B369-5, Various Manufacturer Pumps and Motors Repair and Replacement, contract for use by the City of Somers Point.

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**No. 191 of 2023**

**Subject: Authorizing the Usage of Contracts with Approved State Contract Vendor, Route 23 Auto Mall, LLC Pursuant to N.J.S.A. 40a:11-12(A) & N.J.A.C. 5:34- 7.29(c)**

**Introduced By: Council President Johnston**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City’s Qualified Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors, Route

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23 Automall, LLC (State Contract #T-2959 A40321) pursuant to all conditions of the individual State Contracts:

ITEM:	(1) 2024 F-350 Chassis 4x4 SD Super Cab 168" WB DRW XL (X3H)
TOTAL PRICE:	\$ 89,917.50
STATE CONTRACT NO:	#T-2959 A40321– Route23 Automall, - UTILITY TRUCK, 10,600 lb. GVWR, Extended Cab, SRW, Gasoline Powered, 4WD, with 9' Body & Accessories - 2024 F-350 Chassis 4x4 SD Super Cab 168" WB DRW XL (X3H) – EXP 12/15/2023

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

**BE IT FURTHER RESOLVED**, that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$89,917.50 one (1) 2024 F-350 Chassis 4x4 SD Super Cab 168" WB DRW XL (X3H) purchased from Route23 Automall LLC, 1301 Route 23 South, Butler, NJ 07405 in accordance with the State Contract #T-2959 A40321 - UTILITY TRUCK, 10,600 lb. GVWR, Extended Cab, SRW, Gasoline Powered, 4WD, with 9' Body & Accessories, contract for use by the Public Works Department of the City of Somers Point.

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**No. 200 of 2023**

**Subject: Approval to Submit a Grant Application LTPF-Somers Point City-00005 and Execute Grant Agreement with the New Jersey Department of Transportation**

**Introduced By: Council President Johnston**

**WHEREAS**, the New Jersey Department of Transportation has established a Local Transportation Project Fund (LTPF) 2024 to address emergencies and regional needs throughout the State; and

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require a local match; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City of Somers Point intends to apply for a grant through the Local Transportation Project Fund (LTPF) to pave Ambler Road; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Somers Point formally approves a Local Transportation Project Fund grant application.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LTPF-Somers Point City-00005 to the New Jersey Department of Transportation on behalf of the City of Somers Point.

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**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.  
Certified as a true copy of the Resolution adopted by City Council on this 24<sup>th</sup> day of August 2023.

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**No. 201 of 2023**

**Subject: Approval to Submit a Grant Application LAIF-Somers Point City-00012 and Execute Grant Agreement with the New Jersey Department of Transportation**

**Introduced By: Council President Johnston**

**WHEREAS**, the New Jersey Department of Transportation has established a Local Aid Infrastructure Fund (LAIF) 2024 to address emergencies and regional needs throughout the State; and

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require a local match; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City of Somers Point intends to apply for a grant through the Local Aid Infrastructure Fund to pave Bay Avenue; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Somers Point formally approves a Local Aid Infrastructure Fund grant application.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-Somers Point City-00012 to the New Jersey Department of Transportation on behalf of the City of Somers Point.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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**Old Business:**

None

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**New Business:**



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- Council Member Dill introduced the issue of camper vehicles being parked overnight in the streets, parks, and in shopping center parking lots. He also inquired about possible restrictions being set for campers parked on residential properties. City Solicitor Smith stated that on the recommendation of Police Chief Somers, he will draft an ordinance barring the overnight parking of camper vehicles at such locations and that restrictions on camper residential parking would be difficult to enforce.
- Approval of Social Affair Permit for Grace Lutheran Church for 09/29/2023 from 6:00 p.m. to 9:00 p.m. at Grace Lutheran Church, 11 East Dawes Avenue for Oktoberfest.

\*\*\*\*\*

**Discussion of Bills:**

Administrator Frost reported a Bill List dated 8/22/2023 in the amount of \$1,655,343.56, an Additional Bill List dated 8/22/2023 in the amount of \$157,945.19, and a Record of Payment dated 8/22/2023 in the amount of \$50.00.

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**Public Portion:**

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

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**Payment of Bills:**

M/S: Dill/Bruno

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

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**Comments from the Governing Body:**

Council Member Owen announced that the VFW will be hosting a meet and greet from 3 p.m. to 5 p.m. on Tuesday, August 29, 2023.

\*\*\*\*\*

**Adjournment:**

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There being no further business to come before City Council, Council Member Dill moved, Council Member McCarrie seconded and carried to adjourn the meeting at 8:30 p.m.

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Respectfully submitted,  
Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 9/14/2023