

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 8, 2024**

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: Haberkorn, Owen, DePamphilis, McGuigan, Dill, Johnston

Also Present: Mayor Tapp, Administrator Frost, City Clerk Heath, City Solicitor Smith, and City Engineer Schneider

Absent: McCarrie

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.

Special Presentation

Brigantine Mayor, Vince Sera presented City Council and the public with detailed information on the proposed ocean wind turbines. He also requested City Council to consider passing a resolution opposing offshore wind projects.

Council President Johnston asked for a 48-hour waiver to add Resolution No. 204 of 2024 to the agenda. On the motion of Council Member Dill, seconded of Council Member McGuigan, and carried to approve by a roll call vote of those present, with Council Member Haberkorn opposed, the 48-hour waiver for Resolution No. 204 of 2024.

Communications:

None

Mayor’s Report:

Mayor Tapp read aloud an email he received from a tourist who enjoyed spending time in the City via the free boat docking at the Somers Point Marina. Next, he gave an update on the issue with shopping carts

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being left around the City, stating that Shoprite plans to implement new features to their carts, making it more difficult to leave the premises with them. Furthermore, regarding National Night Out, he thanked all involved, including Chief Robert Somers, Captain Jack Sementa, Lieutenant Jim Shields, Sergeants Nick Wagner and Robert Gray, Patrolmen Ryan Shook, Keith Armour, Ryan Wogansky, and Jayson Chu, K9 Officer Mark McElwee, Kate Mackenzie and Amanda Forshaw. Lastly, he announced that the Rotary Club of Somers Point and the Wyatt Hopkins Foundation have donated school supplies to the Somers Point Police Athletic-Activities League and that donations can be turned in until 8/19/2024.

Administrator’s Report:

Administrator Frost corrected a typo in the title of Resolution No. 203 of 2024

Engineer’s Report:

City Engineer Schneider reported that the City has received a lot of complaints about the potholes on Shore Road, coming off Route 52. He explained that the Mayor has reached out to the County Engineer, and the County is working on getting it resolved.

Solicitor’s Report:

None

Committee Reports:

- Council Member Owen stated that the Arts Commission will be holding Poetry in the Park, Sunday, August 11th starting at 6:00 PM. He also thanked Dan Myers, who is stepping down as President, for everything he has done for the Art Commission.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Haberkorn, and carried to approve the Regular Meeting Minutes of 7/11/2024 and Executive Session Meeting minutes of 7/11/2024, approved as to content only.

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Proclamations:

The following proclamations were read by Mayor Tapp.

No. 8 of 2024

Congratulating Cohen Cook on his Outstanding High School Athletic Career

WHEREAS, Cohen Cook was born and raised in Somers Point and attended Somers Point Schools; and

WHEREAS, he graduated from Mainland Regional High School in June of this year; and

WHEREAS, Cohen was a member of the State Group IV Championship Mustang Football team as a running back and linebacker scoring 16 touchdowns and making 99 tackles; and

WHEREAS, he helped lead the Mainland Regional High School Mustangs Boys Basketball team to their first sectional title in over 40 years while becoming the program's all-time leading scorer, finishing with 1,838 points; and

WHEREAS, Cohen was recognized as the best basketball guard in South Jersey, receiving the Tony Caracci Award from the Albert J. Carino Boys Basketball Club of Southern New Jersey; and

WHEREAS, Cohen batted .333 and excelled on the mound with a 0.89 ERA for the Mustang's Baseball team which won the Cape-Atlantic League title; and

WHEREAS, Cohen has been named The Press of Atlantic City's Male Athlete of the Year for two consecutive years, 2022-2023 and 2023-2024; and

WHEREAS, Cohen will continue his athletic and academic careers as a football player and student at New Hampshire University this fall; and

NOW, THEREFORE, I, Dennis Tapp, Mayor of the City of Somers Point, wish to congratulate Cohen Cook on his dedication, hard work, and talent that has led to his many achievements during his high school athletic career and to thank him for being a positive role model and an inspiration to many of the young student athletes of our community.

FURTHER, I hereby proclaim July 27, 2024, as Cohen Cook Day in the City of Somers Point.

No. 9 of 2024

Subject: Appointing Planning Board Members

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WHEREAS, due to the resignation of David Sharp, I, Mayor Dennis Tapp hereby moves Gerald “Max” Slusher to fill the vacancy with a term expiring December 31, 2025. I, Mayor Dennis Tapp hereby moves Vince Lombardi to fill the Alternate Number 1 vacancy with a term expiring December 31, 2024. I, Mayor Tapp hereby appoints John O’Connor to fill the Alternate Number 2 vacancy with a term expiring December 31, 2024.

BE IT PROCLAIMED THAT the Planning Board as of this date consists of the following members with the expiration of terms noted:

CLASS I	EXPIRATION OF TERM
Mayor Dennis Tapp	Term of Office
CLASS II	
Michael R. Sweeney	One (1) Year Term 12/31/24
CLASS III	
Howard Dill	One (1) Year Term 12/31/24
CLASS IV	
Jack Shields	December 31, 2027
Brian Cotton	December 31, 2024
Gerald “Max” Slusher (Alt. No. 1)	December 31, 2025
Paul Striefsky	December 31, 2027
Vince Lombardi (Alt. No. 1)	December 31, 2024
John O’Connor (Alt. No. 2)	December 31, 2024

Ordinances:

Ordinance No. 19 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Owen

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

Council President Johnston duly opened the meeting to the public.

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

No. 19 of 2024

An Ordinance Amending Chapter 114, Article XXVII, Section 114-201 - Establishment of Fees and Escrows, of the Code of the City of Somers Point to Include Zoning Permit Fees

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WHEREAS, Section 114-201 of Article XXVII of Chapter 114 of the Code of the City of Somers Point includes the setting of certain fees associated with applications for certain development projects within the City; and

WHEREAS, certain fees were routinely set by City Council by way of Resolution, and as such not identified in Section 114-201; and

WHEREAS, from time-to-time City Council, with input from the Construction Official and Zoning Official reviews the fees as set forth both in the ordinance and by way of resolution; and

WHEREAS, City Council has reviewed certain existing zoning permit fees and believes that certain changes in the fee amounts would be appropriate; and

WHEREAS, City Council also believes that these changes should be incorporated into the Section 114-201 of the Code so that same are more readily accessible to the general public.

NOW, THEREFORE, BE IT ORDAINED by the Common 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 114 – Development Regulations, Article XXVII - Fees, Section 114-201, Establishment of Fees and Escrows, is hereby amended to include the following subsection:

G. Every applicant for zoning permit shall pay application fees to the City of Somers Point in accordance with the following schedule:

Type of Application	Application Fee
New Home:	\$200
Addition:	\$100
Accessory Building (>100 sf):	\$100
General (Fence, acc. Structures <100 sf, A/C, Generator, Pool, Deck, Patio, Concrete)	\$50
Commercial – New Construction:	\$300
Commercial – Additions	\$200
Commercial – Fence, signs:	\$100
Certificate of Non-conformity	\$60
Certificate of Land use compliance:	\$60

SECTION 2: All other provisions of Section 114-201 of Article XXVII, Chapter 114, shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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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.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of Somers Point, asked for clarification on Resolution Numbers 185, 188, 193, 197, 201, 202, and 203 of 2024.

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

Resolution No. 182 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 182 of 2024

Subject: Taxes Cancelled and Refunded Block 1941, Lot 5.02, Qualifier C0076

Introduced by: Council President Johnston and Council Members McGuigan and DePamphilis

WHEREAS, the property owner at 76 Bayview Drive is a 100% permanently and totally disabled veteran; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption beginning on July 10, 2024; and

WHEREAS, the taxes for 2024 should be canceled in the amount \$1778.70; and

WHEREAS, all future tax billing should be canceled; and

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Owner	Amount	Year
1941	5.02	C0076	Edward Weber	\$1778.70	2024

Total \$ 1778.70

Resolution No. 183 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council President Johnston commended City staff for a great audit.

No. 183 of 2024

Subject: Governing Body Certification of the Annual Audit

Introduced by: Council President Johnston

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 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

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

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

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New

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Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

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

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

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

Resolution No. 184 of 2024

M/S- Owen/Dill

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

No. 184 of 2024

Subject: A Resolution Authorizing the Issuance of Bond Anticipation Notes by the City of Somers Point City in the County of Atlantic, State of New Jersey, in Connection with the Rollover of an Existing \$4,140,000 Bond Anticipation Note and Borrowing of Additional Funds in the Amount of \$4,560,000 to Pay the Costs of Various Capital Improvements and Water-Sewer Utility Improvements; and Making Certain Additional Determinations in Connection Therewith

Introduced by: Council President Johnson

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

Section 1. Sale of Bond Anticipation Notes; Terms of Notes. The sale by the City of Somers Point, County of Atlantic, State of New Jersey (the "City") of bond anticipation notes in an aggregate principal amount of \$8,500,000 (the "Notes") to provide funds to: (i) refund, on a current basis, together with 200,000 from the City's current budget, an existing \$4,140,000 bond anticipation note of the City; (ii) pay the costs of various additional general capital improvements and water-sewer utility improvements in the aggregate amount of \$4,560,000; and (iii) pay the costs of issuances of the Notes is hereby affirmed pursuant to the Local Bond Law of the State of New Jersey, *N.J.S.A. 40A:2-1, et seq.*, as amended (the "Act"), and the following bond ordinances of the City, in all respects duly

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approved and published as required by law: Bond Ordinance No. 3-2020, finally adopted on June 11, 2020; Bond Ordinance No. 12-2022, finally adopted on June 23, 2022, Bond Ordinance Nos. 15-2023 and 16-2023, both finally adopted on June 22, 2023, and Bond Ordinance No. 14-2024 and 15-2024, both finally adopted on June 27, 2024 (collectively, the “**Bond Ordinances**”). The Notes will mature one (1) year from the date of issuance, shall not be subject to redemption prior to their stated maturity date, and shall be sold and otherwise issued in accordance with the Act, the Bond Ordinances and this Resolution.

Section 2. Report of Sale Terms. Pursuant to N.J.S.A. 40A:2-59, the Chief Financial Officer shall report in writing to the City Council of the City at the next meeting thereof following the award as to the principal amount, interest rate, and purchaser of the Notes sold.

Section 3. Official Statement. The City Council hereby approves the preparation and the distribution of a preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Council on behalf of the City by the Chief Financial Officer. The preliminary Official Statement shall be prepared in final form in connection with the issuance of the Notes and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the winning bidder within seven (7) business days following the sale of the Notes.

Section 4. 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 Notes, including the distribution of a Notice of Sale and preliminary Official Statement in connection with the sale of the Notes, are hereby ratified and affirmed. The City’s auditors, Ford, Scott & Associates, LLC, bond counsel, Fleishman-Daniels Law Offices, LLC, and municipal advisor, Phoenix Advisors, LLC, are each hereby authorized to prepare the preliminary Official Statement, the final Official Statement, the required closing documents, including the Notes, and to arrange for the printing of the preliminary Official Statement and the final Official Statement. 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 Notes.

Section 5. 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 Notes as is or may be required under the Internal Revenue Code of 1986, as amended and supplemented, 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 6. Agreement with DTC. If required, 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

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Notes. The City agrees to comply with all obligations set forth in such agreement. In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Notes, the City may enter into an agreement with a substitute securities depository, if available. Alternatively, the City may cause the Notes to thereafter be registered in the names of, and delivered to, each beneficial owner of the Notes.

Section 7. Continuing Disclosure Agreement. If it shall be determined that it is necessary and appropriate for the City to execute and deliver a Continuing Disclosure Agreement or Certificate (the “**Disclosure Agreement**”) for the benefit of the holders and Beneficial Owners of the Notes to enable the successful bidder for the Notes to comply with the requirements of SEC Rule 15c2-12, then the Mayor and the Chief Financial Officer are hereby authorized to execute and deliver the Disclosure Agreement in such form as shall be acceptable to the City Solicitor and Bond Counsel.

Section 8. Effective Date. This Resolution shall take effect immediately.

Resolution No. 185 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 185 of 2024

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 \$4,783.68 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$4,783.68 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:

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National Opioids Settlement \$4,783.68
pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$4,783.68 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 \$4,783.68

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

Resolution No. 186 of 2024

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

No. 186 of 2024

Subject: Chapter 159 Resolution – NJDOT Safe Routes to School Program

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 \$771,000 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$771,000 which item is now available as a revenue from:

Miscellaneous Revenue

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

Public and Private Revenue Offset with Appropriations:

NJDOT Safe Routes to School Program \$771,000

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$771,000 be and the same is hereby appropriated under the caption of:

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General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

NJDOT Safe Routes to School Program \$771,000

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

Resolution No. 187 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 187 of 2024

Subject: Resolution Establishing Salaries for Non-Contractual Employees of the City of Somers Point for 2024

Introduced by: Council Members Dill, McGuigan and McCarrie

WHEREAS, the Governing Body of the City of Somers Point passed Ordinance No. 16 of 2024 on June 27, 2024; and

WHEREAS, Ordinance No. 16 of 2024 established salary ranges for City employees; and

WHEREAS, the Governing Body of the City of Somers Point believes it is in the best interest for the City of Somers Point to know the exact salaries of the non-contractual City employees;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Somers Point that the non-contractual employees of the City of Somers Point be compensated at an annual salary in accordance with the list attached hereto.

Resolution No. 188 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 188 of 2024

Subject: A Resolution Accepting a Corrective Action Plan

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

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Whereas, the Audit of the City of Somers Point for the year ended December 31, 2023 conducted by Ford, Scott & Associates was received on June 30, 2024 and contained certain findings and recommendations; and

Whereas, these findings and recommendations have been reviewed by the City Administrator and Chief Financial Officer; and

Whereas, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services has developed a Corrective Action Plan to address the findings and recommendations in the Audit Report.

Now, Therefore, Be It Resolved by the City Council of the City of Somers Point as follows:

1. The Corrective Action Plan for the 2023 Municipal Audit, hereto attached, is hereby approved and accepted.
2. A copy of the Corrective Action Plan shall be placed on file and made available for public inspection in the City Clerk's office.
3. Chief Financial Officer is hereby directed to transmit a copy of this resolution and its attachments to the Division of Local Government Services through the FAST system within sixty days of receipt of the Audit Report by the City.

Resolution No. 189 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 189 of 2024

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSEL REGARDING CONTRACTUAL NEGOTIATIONS
FOR AMBULANCE SERVICES**

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A.

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10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 8, 2024, during a public meeting to be held commencing at 7:00 PM, and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the contractual negotiations for ambulance services.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to contract negotiations for ambulance services.

Resolution No. 190 of 2024

M/S- Owen/Haberkorn

This resolution was adopted by unanimous vote of those present.

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Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 8, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City’s Planning Board entitled, “GMH Restaurant v. Planning Board of the City of Somers Point, Waterfront Holdings, LLC,” having a docket number of ATL-L-811-23.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

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

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the

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above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.

Resolution No. 191 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 191 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 8, 2024 during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

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Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City entitled, "GMH Restaurant Holdings, LLC v. the City of Somers Point and Powersports Holdings, LLC," having a docket number of ATL-C-16-24.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.

Resolution No. 192 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 192 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING CONTRACTUAL OBLIGATIONS WITH SUNSET AVE DEVELOPMENT, LLC.

Introduced By: Council President Johnston

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

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WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 8, 2024, during a public meeting to be held commencing at 7:00 PM, and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the City’s contractual obligations with Sunset Ave Development, LLC.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to contractual obligations.

Resolution No. 193 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

REGULAR MEETING MAYOR AND CITY COUNCIL August 8, 2024

Council Member McGuigan expressed his enthusiasm for the completion of the SP Paddle Club, as it will be a new asset to the community. He also explained that this will be a different type of establishment from the typical bar and restaurant.

No. 193 of 2024

Subject: A Resolution Expressing Support for Issuance to SP Paddle Club, a N.J. Nonprofit Corporation, of a Waiver of Requirements of N.J.A.C. 13:2-8.3 and -8.4 By the Director of the Division of Alcoholic Beverage Control

Introduced by: Council President Johnson and Council Members Dill and DePamphilis

WHEREAS, the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, *et. seq.*, provides a process by which municipalities may participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and

WHEREAS, by Resolution 186 of 2014, adopted November 20, 2014, City Council accepted the recommendation of the Somers Point Planning Board based upon a certain “City-Wide Rehabilitation Study and Report” which concluded that the entire City of Somers Point be determined to be an “Area in Need of Rehabilitation” and declared the entirety of the City of Somers Point to be an “Area in Need of Rehabilitation” pursuant to the LRHL; and

WHEREAS, at the direction of City Council, a Redevelopment Plan for Block 1211, Lot 2, dated October 25, 2021, was prepared by the City’s Planner, J. Timothy Kernan, PE, PP, CME, and, as required by the LRHL, at N.J.S.A. 40A:12A-7d, that Redevelopment Plan was referred by City Council to the Somers Point Planning Board to be reviewed for consistency with the City’s Master Plan; and

WHEREAS, by decision made on November 10, 2021, which was memorialized by Resolution 6-2021, dated November 10, 2021, the Planning Board reported to City Council that the Block 1211, Lot 2 Redevelopment Plan was consistent with the City’s Master Plan and Recommended that it be adopted by City Council; and

WHEREAS, by Ordinance 14 of 2021, adopted December 16, 2021, City Council adopted the Redevelopment Plan;

WHEREAS, the “Redevelopment Plan Goals,” as set forth in the Redevelopment Plan, are stated as follows:

- a) “To provide the opportunity for redevelopment of an underutilized portion of an existing marina property in the City which would not likely occur without participation of public bodies.”
- b) “To foster redevelopment of the site with a private club and affordable housing use and make available such assistance as may be necessary to aid the development;” and

WHEREAS, the “Redevelopment Plan Objectives,” as set forth in the Redevelopment Plan, are stated as follows:

- a) “To provide for the development of a private club that will support the City’s economic growth emphasizing water related recreation uses to create jobs and enhance revenue for the City of Somers Point.”

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- b) “To provide a mechanism for public/private partnership leading to the development of activities and services that foster and enhance the City of Somers Point.”
- c) “To encourage the development of the Rehabilitation Area as to affect [sic] the highest and best use;” and

WHEREAS, the Redevelopment Plan proposed private development of the Redevelopment Area with a marina for boats and personal watercraft, marina offices, restrooms, ancillary retail and services customarily associated within a marina and a “private club with club liquor license (Class C Retail License 31), restaurant and bar;” and

WHEREAS, by Resolution 120 of 2022, adopted May 12, 2022, City Council authorized entry into, execution and delivery of, a Redevelopment Agreement with Somers Point Paddle Club, LLC; and

WHEREAS, subsequent to the adoption of Resolution 120 of 2022, the City, as the designated “redevelopment entity” and as authorized by the LRHL at N.J.S.A. 40A:12A-8, entered into a Redevelopment Agreement with Somers Point Paddle Club, LLC (the “Redeveloper”) under the terms of which the Somers Point Paddle Club, LLC was designated “Redeveloper” and by which it agreed to redevelop the Redevelopment Area with a Project that was consistent with the Redevelopment Plan; and

WHEREAS, the Redevelopment Agreement was subject to an amendment that extended various timelines and which was approved by City Council pursuant to Resolution 198 of 2023, adopted August 24, 2023; and

WHEREAS, the Redevelopment Agreement, as amended, contemplated issuance of a club license in connection with the Project and, in that regard, Section 5.03(c) of the Redevelopment Agreement provides for the issuance of a Club License to:

a New Jersey non-profit corporation that is a constitute unit, duly enfranchised and credentialed chapter and/or member club of another New Jersey non-profit corporation that has been in existence for at least three years, has at least 60 members, and which has been granted tax-exempt status by the IRS pursuant to IRC §501(c)(7) as a “club organized for pleasure, recreation, and other nonprofitable purposes, substantially all of the activities of which are for such purposes and no part of the earnings of which inures to the benefit of any private shareholder; and

WHEREAS, SP Paddle Club, a N.J. nonprofit corporation, has filed an application for issuance of a Club License to be sited on premises to be constructed upon the property within the confines of the Redevelopment Area which premises SP Paddle Club will lease from Somers Point Paddle Club, LLC for use as its club premises; and

WHEREAS, on March 16, 2022 the Somers Point Planning Board granted preliminary and final site plan approval to allow development upon property within the Redevelopment Area of a marina and a private paddle club consistent with the Redevelopment Plan, all as more particularly set forth in its Resolution 5-2022, adopted May 18, 2022; and

WHEREAS, the New Jersey administrative regulations pertaining to Club Licenses indicate that a Club License may not be issued unless, among other requirements, the licensee has

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been in existence for at least three years (N.J.A.C. 13:2-8.3) and has been in possession of a clubhouse for at least three years (N.J.A.C. 13:2-8.4); and

WHEREAS, SP Paddle Club, a N.J. nonprofit corporation, has not been in existence for three years nor has it been in possession of a clubhouse for three years; and

WHEREAS, the administrative regulations provide a procedure by which the ABC Director, upon a showing of “special cause,” may waive the requirements pertaining to time in existence and time in possession of a clubhouse for a club that is a duly enfranchised chapter or member of another club which has been in existence “for at least three years continuously immediately prior to the submission of the application for a license” (N.J.A.C. 13:2-8.5); and

WHEREAS, SP Paddle Club, a New Jersey nonprofit corporation, is a constituent unit of the Cape May Paddle Club, a N.J. nonprofit corporation, which has been in existence since January 2014, which has been granted tax-exempt status pursuant to Internal Revenue Code section 501(c)(7), and which has in excess of 300 members; and

WHEREAS, on January 3, 2024 SP Paddle Club, a N.J. nonprofit corporation, submitted a petition to the ABC pursuant to N.J.A.C. 13:2-8.5 for a waiver from the requirements pertaining to time in existence and time in possession of a clubhouse and that petition currently is pending before the ABC; and

WHEREAS, in accordance with the provisions of N.J.A.C. 13:2-2.5, SP Paddle Club published a Notice of its application in the Press of Atlantic City on April 20, 2024 and on April 27, 2024 in the form prescribed by N.J.A.C. 13:2-2.2 and proof of publication has been provided to the City Clerk; and

WHEREAS, as required by N.J.A.C. 13:2.2, the published Notice included the following language: “Objections, if any should be made immediately in writing to City Clerk, City of Somers Point, 1 W. New Jersey Avenue, Somers Point, NJ 08244; and

WHEREAS, no objections to issuance of a Club License to SP Paddle Club, a nonprofit corporation, for premises to be constructed within the Redevelopment Area at 520 Bay Avenue, Somers Point, NJ have been received by the City Clerk; and

WHEREAS, in light of the aforementioned Goals and Objectives of the Redevelopment Plan, the fact that the Redevelopment Agreement specifically provides for issuance of a Club License, the fact that no objections to the issuance of a Club License have been received, the fact that upon completion of the Project “the conditions determined to exist at the time the area was determined to be in need of redevelopment shall be deemed to no longer exist” (N.J.S.A. 40A:12A-9), and the fact that this Body, as the issuing authority, is precluded from issuing a Club License to the SP Paddle Club unless the ABC Director issues the waiver for which the SP Paddle Club has applied, this Body, as the issuing authority and as the governing body of the City, deems it appropriate to express its opinion to the Director of the Division of Alcoholic Beverage Control that the aforementioned waiver request that has been submitted by SP Paddle Club to the ABC should be granted because SP Paddle Club, in the opinion of this body, has demonstrated the requisite “special cause” for the issuance of such a waiver.

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

1. All of the statements of the Preamble are repeated and are incorporated herein by this reference thereto as if each and every statement were repeated at length.

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2. This Body, as the alcoholic beverage licensing issuing authority for the City of Somers Point, expresses its support of the waiver petition that SP Paddle Club, a N.J. nonprofit corporation, has filed with the Director of the Division of Alcoholic Beverage Control pursuant to N.J.A.C. 13:2-8.5 and urges the Director to grant the requested waivers.

3. The City Clerk is directed to transmit a certified copy of this Resolution to the Director of the Division of Alcoholic Beverage Control.

Resolution No. 194 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill clarified that this purchase has already been approved in this year's capital budget and is due to a safety concern.

No. 194 of 2024

Subject: Authorizing Advertisement of RFP for Vehicle Exhaust Removal Systems for the (2) Two Fire Companies in Somers Point

Introduced By: Council President Johnston and Council Member Dill

WHEREAS, it is necessary for The City of Somers Point to perform due diligence in conjunction with the City's Fire Department facilities and to prepare bid documents for a solution to the vehicle exhausts systems for the City's (2) two Fire Company facilities located in Somers Point; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the City Clerk is hereby authorized to advertise for separate sealed RFP's for Proposal for Vehicle Exhaust Removal Systems for the City's (2) Two Fire Companies. RFP's are to be received by the City Clerk and open and read in public in the Somers Point City Hall, 1 W New Jersey Ave, Somers Point, New Jersey at the date and time established by the City of Somers Point.

Resolution No. 195 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 195 of 2024

Subject: Resolution Authorizing Execution of a Limited Easement Over a Portion of Lot 11 in Block 1716 in Compliance with the New Jersey Local Lands and Buildings Law

REGULAR MEETING MAYOR AND CITY COUNCIL August 8, 2024

Introduced By: Council President Johnston

Whereas, the New Jersey Local Lands and Buildings Law (N.J.S.A.40A:12-1 et seq.) authorizes a municipality to sell any interest in real property. Including sale of an easement; and

Whereas, as required by N.J.S.A. 40A:12-13(a) the sale of such easement shall be by public auction and further requires notice of the sale of such easement must be advertised once a week for two (2) consecutive weeks, with two insertions per week, with the last publication being not earlier than seven (7) days prior to the date of the auction; and

Whereas, said easement shall not be sold for less than fair market value; and

Whereas, the Somers Point Tax Assessor had determined that the fair market value based upon the prior sale of a similar easement is Five Hundred Dollars (\$500.00); and

Whereas, by Resolution 175 of 2024 the Somers Point City Council authorized the City Clerk to advertise for sale of the easement with sealed bids to be submitted not later than noon on July 2, 2024; and

Whereas, the Notice of Sale of the limited easement with a minimum bid price of Five Hundred Dollars (\$500.00) was published in The Press Of Atlantic City on July 18, 2024, and July 25, 2024 and was published in the Ocean City Sentinel on July 17, 2024 and July 24, 2024, both newspapers being official publications of the City of Somers Point; and

Whereas, on August 2, 2024, one sealed bid was received in the Office of the Somers Point City Clerk submitted on behalf of Centre Storage, LLC with a check in the amount of Five Hundred Dollars drawn on the account of J&J Construction payable to the City of Somers Point; and

Whereas, no other bids were received, and the required minimum payment has been made.

Now, therefore, it is hereby Resolved that

1. The Mayor is authorized to execute the Limited Easement Agreement in the form attached hereto subject to satisfaction by Grantee of the following conditions precedent:
 - a. Grantee shall have provided a Declaration of Cross Easements, Declarations and Covenants in the form attached hereto to be recorded in the Office of the Atlantic County Clerk with this Deed of Limited Easement;
 - b. The Stormwater Maintenance Plan in the form attached hereto shall be recorded in the Office of the Atlantic County Clerk at the same time as the recordation of the Limited Easement and the Declaration of Cross Easements.
 - c. Grantee shall have provided the City Clerk with the required Certificate of Insurance together with the required policy endorsements all as set forth within the attached Deed of Limited Easement.
 - d. Grantee shall have reimbursed the City for all professional fees and costs incurred together with all fees incurred by the City Clerk for publication of the Notice of Sale and any other fees or expenses incurred.
2. The City Clerk and other officers and employees are authorized to take all additional action which may be necessary or desirable to effectuate the intent of this Resolution.

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Resolution No. 196 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council President Johnston proclaimed that this is another project the City is proud to have.

No. 196 of 2024

Subject: Resolution Releasing the Performance Guarantee for SJ Yachts

Introduced by: Council Member Dill

WHEREAS, SJ Yachts, requested the City of Somers Point release its Performance Guarantee posted for SJ Yachts, Block 1408, Lot 1, in the amount of \$20,647.20 to guarantee the completion of SJ Yachts' improvements along Bay Avenue; and **WHEREAS**, the City Engineer reviewed this request and inspected the project and determined that said Performance Guarantee can be released, as set forth in their August 5, 2024 letter attached hereto and incorporated by reference herein; and **WHEREAS**, SJ Yachts shall post a maintenance guarantee in the amount of \$3,097.08 that shall be valid for a period of two years before the performance guarantee is released **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that based on the City Engineer's letter dated August 5, 2024, attached hereto and incorporated by reference herein, it hereby releases the Performance Guarantee.

Resolution No. 197 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 197 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: Advice of Counsel Regarding Beach Concert Operational and Contractual Issues

Introduced By: Council President Johnston

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A.10:4-

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12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 8, 2024, during a public meeting to be held commencing at 7:00 PM, and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the City’s contractual obligations and operational issues with the Beach Concert Series.

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.

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to operational and contractual issues.

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M/S- Haberkorn/Dill

This resolution was adopted by unanimous vote of those present.

Council Member Haberkorn commented on how the City is fortunate to have so many committed volunteers.

Council Member Owen agreed with Council Member Haberkorn.

No. 198 of 2024

Subject: Resolution of the City Council of the City of Somers Point Authorizing Payment of the Length of Service Award Program on Behalf of Qualified Volunteer Fire Fighters for the Year 2024

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point contribute-; to the Somers Point Fire Department Length of Services Award Program" (LOSAP); and

WHEREAS, the purpose of the LOS AP program is to provide tax-deferred income benefits to active volunteer members of an emergency service organization; and

WHEREAS, the City of Somers Point has previously authorized the LOSAP program for active members of the Two (2) Fire Departments and acknowledges that the City routinely makes these payments annually; and

WHEREAS, a list of active members meeting the established criteria for LOSAP has been presented by the Somers Point Fire Chief; and

WHEREAS, the City of Somers Point wishes to award LOSAP benefits of \$800.00 each on behalf of qualified members of the Somers Point Fire Department for the 2024 program year less administrative expenses per NJAC 5:30-14.50; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is authorized to make a LOSAP payment to the plan administrator on behalf of the Somers Point Fire Department active volunteers in the amount of \$800.00 per qualified member. This resolution shall be retroactive from January 1st, 2024.

Council President Johnston announced that Resolution No. 199 of 2024 will be held until after Executive Session.

Resolution No. 200 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

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August 8, 2024**

No. 200 of 2024

Subject: Amending the Authorization of 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

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 was the functional economic solution to continually evaluate the performance of the City of Somers Point's Sewer Assets; and

WHEREAS, The City Council previously approved the acquisition of this software for the Sewer Department's use throughout the City by Resolutions 56 of 2024 as well as 145 of 2024.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, that the City Administrator, acting in his capacity as Purchasing Agent, was authorized (Res 56 of 2024) to issue a purchase order in the total amount of \$8,993.57 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, 2023-2024 PO 249000185, Acct 3-07-355-502-013
Public Administration Software from Brightly Software \$ 8,993.57

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, was authorized (Res 145 of 2024) to issue a purchase order in the total amount of \$9,533.18 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, 2024-2024 PO 24901223, Acct 4-07-355-502-013
Public Administration Software from Brightly Software \$ 9,533.18

Resolution No. 201 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 201 of 2024

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 8, 2024**

Subject: Authorizing Purchase on State Contract for New Body Worn Cameras for the Somers Point Police Department

Introduced by: Council President Johnston

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

WHEREAS, the City of Somers Point has identified a need to purchase sixteen (16) Body Cameras for the Somers Point Police Department; and

WHEREAS, pursuant to State Contract Number #23-FLEET-33791: T0106, Motorola Solutions, Westville, New Jersey was awarded the State Contract for Law Enforcement Firearms Equipment and Supplies expiring 5/13/2025; and

WHEREAS, the Chief of Police in conjunction with the Business Administrator has researched the equipment available and recommends the replacement of the failing Body Worn Cameras provided by Motorola Solutions of Westville, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Motorola Solutions of Westville, New Jersey to be ordered retroactive to on or before July 11th, 2024:

<u>Description</u>	<u>Amount</u>
Law Enforcement Firearms Equipment and Supplies (16 Body Worn Cameras) Storage Server; 16 TB Related Software and Components 5 Year No Fault Warranty State Contract Number #T0106	\$78,482.40
Total:	<u>\$78,482.40</u>

Resolution No. 202 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 202 of 2024

Subject: Authorizing Purchase on State Contract for Radio System Repair for the Somers Point Police Department

Introduced by: Council President Johnston

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

WHEREAS, the City of Somers Point recently had an emergency repair that was needed to repair the Zetron Max Dispatch System distributed and installed by Tactical Public Safety for the Somers Point Police Department; and

WHEREAS, pursuant to State Contract Number NJ State Contract No. A83924 from Tactical Public Safety, an authorized vendor under the NJ State Contract from Tactical Public Safety, as was awarded the State Contract for Radio Communication Equipment and Accessories expiring 4/30/2025; and

WHEREAS, the Chief of Police in conjunction with the Business Administrator have made the determination that this repair to the Police Department’s Radio System was necessary to be provided by Tactical Public Safety, 199 Edgewood Ave., Suite A, West Berlin, A83924

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Tactical Public Safety, 199 Edgewood Ave., Suite A, West Berlin, A83924 to be ordered retroactive to on or before July 17th, 2024:

<u>Description</u>	<u>Amount</u>
Max Central – Max Manager, Gateway IP Voice Logger Gateway /With AUX I/O Gateway Installation & Configuration Services \$500.00	\$9,200.00
Total:	<u>\$9,700.00</u>

Resolution No. 203 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 203 of 2024

Subject: **A Resolution of the City of Somers Point Authorizing Change Order # 1 to Increase the Cost of Resolution 83-2024, in the Amount of \$149,121.90 and Authorizing Mayor Dennis Tapp to Execute Said Change Order**

Introduced by: **Council President Johnston**

WHEREAS, pursuant to Resolution 83 of 2024 – Awarding Bid for the Pump Station No. 3 Force Main Replacement, Wyndham Construction, LLC was awarded the contract for Pump Station No. 3 Force Main Replacement in the amount of \$831,151.00; and

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WHEREAS, in accordance with the correspondence and supplemental proposal from Wyndham Construction, LLC and the recommendation from the City Wastewater Operator and City Utility Engineer and made a part hereof, a Change Order #1 in the amount of \$149,121.90 has been submitted and recommended so as to increase the total contract price to \$980,272.90; and

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

Contract Amount	\$831,151.00
Change order 1	\$149,121.90
Revised Contract Amount	\$980,272.90

Total Deduction: \$0 Total Additional: \$149,121.00 Net Change: 17.94%

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that the increase in the amount of \$149,121.90 to Wyndham Construction, LLC is hereby approved and City Council further authorizes the Mayor and/ or Business Administrator to execute said change order in a form acceptable to the City Attorney; and

BE IT FURTHER RESOLVED that Change Order # 1 pertaining to the City's contract with Wyndham Construction, LLC reflects the additional work required to complete the installation of a casing pipe across MacArthur Drive and is hereby approved for \$149,121.90 increasing the total contract price from \$831,151.00 to \$980,272.90.

Certified to be a true copy of a resolution adopted by the City Council for the City of Somers Point, County of Atlantic and State of New Jersey, on the 8th day of August 2024.

Resolution No. 204 of 2024

M/S- Owen/Dill

This resolution was adopted by an affirmative vote of those present, with Council Member Haberkorn opposed.

No. 204 of 2024

Subject: Resolution Authorizing a Payment in Lieu of Taxes

Introduced by: Council President Johnston

WHEREAS, Oasis at Greate Bay, LLC, a New Jersey limited liability company, having its principal office at 12 Roszel Road, Suite A-206, Princeton, New Jersey 08540 (hereinafter referred to as the "*Sponsor*") proposes to construct a housing project consisting of a 42-unit, 100% affordable, family rental project (hereinafter referred to as the "*Project*") pursuant to the provisions

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of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the “*HMFA Law*”), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the “*HMFA Requirements*”) within the City of Somers Point, in the County of Atlantic (hereinafter referred to as the “*City*”) on that certain parcel of land designated as Lot 3 in Block 1944, Lot 2.02 in Block 1945, and Lot 1 in Block 1946 as shown on the Official Assessment Map of the City (the “*Affordable Property*”); and

WHEREAS, as a condition of a Court approved 2008 Settlement Agreement between the City of Somers Point (the “*City*” and Plantation Bay, LLC (“*Plantation Bay*”) the City is obligated to enter into a Payment in Lieu of Taxes (“PILOT”) Agreement between the City and the entity to construct the affordable housing element of the approved development plan, the provisions of which were set forth within Exhibit E to the 2008 Settlement Agreement; and

WHEREAS, subsequent to entry of a Final Order of Judgement entered in New Jersey Superior Court of Justice Law Division, Atlantic County (Docket No: ATL-L-007302-06 P.W. filed on June 30, 2011 approving the 2008 Settlement Agreement, title the entire property which was the subject of the plan of development, including both market-rate for sale units and affordable housing rental units, ultimately being owned by R2F2, Inc.; and

WHEREAS, the Somers Point Planning Board approved a Preliminary and Final Site Plan and Minor Subdivision application file by R2F2, Inc which created a Site Plan East and a Site Plan West; and

WHEREAS, in order to undertake the affordable housing element, set forth in the 2008 Settlement Agreement and develop the Project, the Affordable Property is being transferred from R2F2, Inc to the Sponsor; and

WHEREAS, as such the Sponsor shall be the party to enter into, execute, deliver, and perform all obligations set forth in the PILOT Agreement; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “*Agency*”); and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the City hereby determines that there is a need for this housing project in the City; and

WHEREAS, the Sponsor has presented to the governing body of the City a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic, New Jersey (the “*City Council*”) that:

- (1) The City Council finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The City Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and

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purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

(3) The City Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the City in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit B; and

(4) The City Council hereby authorizes and directs the Mayor of the City of Somers Point to execute, on behalf of the City, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit B; and

(5) The City Council understands and agrees that the revenue projections set forth in Exhibit A are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the City shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and City.

(6) The Resolution shall become effective in accordance with law.

EXHIBIT A

Projected Payment in Lieu of Taxes
Based upon 2024 Rent Levels

REAL ESTATE TAX CALCULATION FOR TAX ABATEMENT			
Gross Rents		\$	\$460,032
Less Vacancy		(-)	\$23,002
Less Utilities (if applicable)		(-)	\$54,000
Less Rental Subsidy		(-)	\$
Gross Sheltered Rents		\$	\$383,030
x Rate		x	6.28%
Real Estate Taxes		\$	\$24,054

EXHIBIT B

(PILOT Agreement)

Old Business:

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- Solicitor Smith gave a detailed explanation on the current Tax Abatement Law Ordinance. He advised City Council of their need to decide whether they would like to extend this ordinance, and if so, he recommends it be re-written.
- Council President Johnston announced a Special Planning Board Meeting on 8/22/2024 at 7:00 PM, regarding the Master Plan Re-Examination. She encouraged the public to attend.

New Business:

- City Council approved a New Jersey State Firefighter’s Application for Membership for Gabrielle Wriggins.

Discussion of Bills:

Administrator Frost reported a Bill List dated 8/3/2024 in the amount of \$4,373,158.42, a Record of Payment dated 7/19/2024 in the amount of \$11,587.05, and an additional Record of Payment dated 8/2/2024 in the amount of \$4,772.50.

Public Portion:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson, of Somers Point, encouraged City Council to come out in opposition of the proposed wind turbines in the ocean.

Tracy Greco, of Somers Point, requested City Council to reconsider her 5-year tax abatement application.

Barbara Merrifield, of Somers Point, expressed her disagreement with her sewer bill.

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

Council Member McGuigan commented on the tax abatement application for 800 2nd Street and City Council ultimately decided to not add it to the agenda at this time.

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Payment of Bills:

M/S: Owen/DePamphilis

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

Comments from Governing Body:

None

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:42 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 10:08 p.m.

Resolution No. 199 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 199 of 2024

Subject: Rejecting Bids for Basic Life Support Emergency Medical Service Response and Transportation System

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

WHEREAS, pursuant to Resolution 174 of 2024, the City authorized the advertisement of RFP for Basic Life Support Emergency Medical Service Response and Transportation Services; and **WHEREAS**, on July 30th, 2024, the City of Somers Point received bids for Basic Life Support Emergency Medical Service Response and Transportation System; and **WHEREAS**, based off the bids received, the Public Safety Committee’s recommendation, cost estimate, and available funding, the City Administrator / QPA has recommended that the City reject all bids; and

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WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(c) – Rejection of bids by a contracting unit, subparagraph (c), the City is entitled to reject any and all bids received; and **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that all bids received for the Basic Life Support Emergency Medical Service Response and Transportation System are formally rejected.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 10:10 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 9/12/2024