

REGULAR MEETING MAYOR AND CITY COUNCIL September 23, 2021

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: Dill, Ferreri, McCarrie, McGuigan, Owen, Johnston

Absent: Bruno

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, City Solicitor Thomas Smith

Open Public Meetings Act:

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

Communications:

Somers Point Police Department: Trunk or Treat event, Saturday, October 23rd from 4 pm to 6 pm at Harbor Lane and Bay Avenue, Somers Point. Attendance is free, costumes are encouraged and must be family friendly.

Council Member McGuigan read an email he received into the record. The email was from a resident who stated they lived at 59 Broadway in Somers Point near the sewer plant for 30 years. The residents stated they wanted to praise Stephen Hornig, Wastewater System Operator, for his excellent customer service and professionalism in addressing their concerns.

Council Member McGuigan stated he responded to their email also praising Mr. Hornig for his continued professionalism and valued member of the City's staff.

Mayor's Report:

Mayor Glasser reported on events which he stated brought the City together: Good Old Days, 9-11 Service at Patriot's Park, Richard Somers Day, POW-MIA Service at Patriot's Park . He praised each event and spoke about their meaning to residents.

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Mayor Glasser also read a letter from the Atlantic County Department of Health regarding flu and COVID-19 vaccines. Information is located in the City Clerk's office and will be posted on the website.

Administrator's Report:

Administrator Frost stated he received the 2020 Stormwater report and provided information from the report. He stated all outfalls had no illicit connections, no scouring, and were operating appropriately. The city swept 81 miles of streets and collected 45 tons of materials for disposal. Fourteen tons a debris were removed from 649 city-operated catch basins. Thirteen storm drain grates were replaced with upgraded grates. City standard operating procedures have been continuously updated as required.

Solicitors Report:

Due to procedural issues, Resolution 155-21 (Egg Harbor City sewer system/ACUA) will need to be redone in 2022 with a new authorizing resolution. The resolution passed this year will need to be rescinded.

Solicitor Smith also commented on Resolution 163-21 (Cross River Fiber). He suggested the resolution be removed from the agenda and placed in a future meeting after the applicable ordinance is passed.

Additionally, Solicitor Smith commented on Resolution 166-21 (Appointment of a COAH Planner). This resolution is to clarify a successor entity to the original appointment made earlier in 2021.

Solicitor Smith also commented on Resolution 172-21 (Appointment of a Municipal Public Defender). The Current public defender resigned the position due to personal reasons. The conflict public defender is suggested to be appointed into the Public Defender position with corrections.

Committee Reports:

Council Member Dill reported the Planning Board met last Wednesday regarding the purchase of a storefront by Josie Kelly's with the intention to place a small general store, coffee shop, and ice cream shop. The application was approved by the Board. Plans are available in the Code Enforcement Office.

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Approval of Minutes:

On the motion of Council Member Owen, seconded of Council Member Ferreri and carried to approve the Regular Meeting Minutes 9/9/2021.

Council President Johnston received approval for a 48-hour waiver to add Resolution Numbers 173 and 174.

(Dill/Owen; all members voted affirmative)

Proclamations:

Proclamation No. 10 of 2021

Clerk Samuelsen read the proclamation.

No. 10 of 2021

**Knock Out Opioid Abuse Day
October 6, 2021**

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

WHEREAS, the Partnership for a Drug-Free New Jersey has designated October 6, 2021, as Knock Out Opioid Abuse Day – an initiative with a multiple purposes: to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin and fentanyl use in our state; to reduce stigma of addiction and shine a light on the need for recovery support; and to communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and

WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, prescription opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and

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WHEREAS, Join Together Atlantic County (JTAC) supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;

THEREFORE BE IT RESOLVED, that October 6, 2021, be recognized as Knock Out Opioid Abuse Day in the City of Somers Point, New Jersey.

Ordinances:

Ordinance No. 12 of 2021

M/S- Owen/McCarrie

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

(First Reading/Introduction)

ORDINANCE NO. 12 of 2021

An Ordinance

Granting Municipal Consent to Cross River Fiber, LLC for Permission to Non-Exclusive Use of Public Rights-Of-Way Within the City of Somers Point

WHEREAS Cross River Fiber, LLC, (“Cross River”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS Cross River has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011, Docket No. TE12040297 on June 18, 2012, and Docket No. TM14080906 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS Cross River has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Cross River may use such poles erected within the public right-of- way in the City of Somers Point (“City”); and

WHEREAS, Cross River has requested the consent of the City to place, service and maintain telecommunications facilities on jointly used poles located in the public rights-of-way managed and under the control of the City; and

WHEREAS N.J.S.A. 48:3-18 and N.J.S.A. 48: 3-19 authorize the City to grant municipal consent for the joint use of poles that have been lawfully erected within its rights-of-way; and

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WHEREAS New Jersey law permits such use, provided that there is consent by the municipality; and

WHEREAS the request for municipal consent has been reviewed by the City Engineer, the City Solicitor, the City Administrator, the Chief Financial Officer, and the City Risk Manager, and has been considered by this governing body; and

WHEREAS the City Council deems it to be in the best interests of the citizens of City to grant consent to Cross River to install telecommunications equipment in the public rights-of way subject to the conditions herein set forth.

Now therefore, be it **ORDAINED** by the City Council of the City of Somers Point in the County of Atlantic, State of New Jersey that:

SECTION 1. Permission and authority are hereby granted to Cross River and its successors a non-exclusive municipal consent to use existing utility poles and replacement poles which are of a size and type equal to the poles being replaced and erected by parties that have the lawful right through municipal consent and the approval of the New Jersey Board of Public Utilities to maintain poles within the public right- of-way in the City of Somers Point for the construction, installation, operation, repair, maintenance and replacement of a fiber optic telecommunications system subject to the following conditions:

- A. Cross River and its successors shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
- B. Cross River and its successors shall:
 - i) comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the City of Somers Point, and by the City of Somers Point Development Ordinances.
 - ii) provide the City of Somers Point Construction Official / Code Enforcement Officer and City of Somers Point City Engineer with the location of each pole and / or conduit upon or in which fiber optic facilities are proposed to be placed together with the pole identification number, the identity of the owner of pole and Geographic Information System (GIS) map;
 - iii) not install on any pole or in any conduit any device other than a fiber optic attachment which is of the size and type described in Exhibit A;

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C. Cross River shall not install any new poles of replacement wood poles that are taller than the existing utility pole being replaced, nor install replacement utility poles made of steel or other non-wood material to replace an existing pole.

D. This grant of municipal consent is not to be construed as authorizing the erection of any new pole within the right of way nor is it to be construed as authorizing Cross River to attach to any pole, structure, or other facility owned by or under the control of the City of Somers Point or any third party other than a New Jersey public utility from which consent to attach to such pole has been granted in writing.

E. Notwithstanding anything to the contrary contained herein, Cross River shall adhere to the terms and conditions of the underlying easement granted to the owner of the pole by the owner of the underlying soil, and Cross River shall not overburden any existing easement.

F. Nothing contained herein shall pre-empt or in any way preclude or constitute a waiver of the City's exercise of its planning or zoning powers under the New Jersey Municipal Land Use Law or other applicable law relative to the placement, regulation, zoning, or suitability of such structures within the City.

G. This grant of municipal consent is limited exclusively to Cross River for its own equipment to provide services to customers using the Cross River network. The consent from the municipality shall not be used by Cross River to construct infrastructure to be leased to others nor assigned by Cross River to any third party.

H. This municipal consent is hereby given upon the further condition and provision that Cross River, and its successors, shall to the fullest extent permitted by law, defend, pay on behalf of, indemnify, and hold harmless the City of Somers Point, its elected and appointed officials, its agents, employees and volunteers, the Atlantic County Joint Insurance Fund, and others working on behalf of the City of Somers Point from and against any and all claims, demands, suits, or loss, including all legal and professional fees, costs and any other expenses connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Somers Point, its elected and appointed officials, its agents, employees, volunteers, the Atlantic County Joint Insurance Fund, or others working on behalf of the City of Somers Point by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this consent, except to the extent resulting solely from the acts or omissions of

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the City of Somers Point. Cross River shall, at its own cost and expense, maintain commercial general liability insurance in the minimum amount of \$5,000,000 combined single limit per

occurrence, and automobile insurance with combined single limits of \$2,000,000 for bodily injury (including death) and property damage each occurrence, and Workers Compensation insurance in compliance with the statutory requirements of the State of New Jersey. The City of Somers Point, its elected and appointed officials, its agents, employees, volunteers, the Atlantic County Joint Insurance Fund, and others working on behalf of the City of Somers Point shall be included as an "Additional Insured" as their interests may appear under this municipal consent resolution on all general liability policies; and Cross River shall provide the City of Somers Point City Clerk with certificates of insurance (which shall be maintained and kept current at all times during the period of this municipal consent and which shall provide for not less than thirty (30) days' notice in the event of cancellation or termination; and shall also provide a copy of the Additional Insured Endorsement to such policies. Nothing in this section shall limit Cross River's liability in any way.

I. Cross River shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation, or maintenance of its facilities.

J. Cross River shall pay to the City of Somers Point the sum of One Thousand Five Hundred Dollars (\$1,500.00) to cover the administrative expenses incurred by the City for legal, engineering and risk management expenses and cost of publication.

K. Cross River and its successors shall file with the Clerk of the City of Somers Point true and complete copies of all agreements between Cross River and the owner(s) of the poles to which Cross River proposes to attach.

L. The permission and authority hereby granted shall continue for a term of twenty-five (25) years and subject to continuation of a municipal consent by the City of Somers Point granted to those parties whose poles Cross River is using and, to the extent required, approval of such municipal consent by the New Jersey Board of Public Utilities (or its successor agency).

M. The Mayor and the City Clerk are authorized to execute and deliver such documents as necessary to effectuate this grant of municipal consent.

N. Upon final passage the City Clerk shall send a certified copy of this Ordinance to Cross River.

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SECTION 2. Upon adoption this Ordinance shall be codified in the City of Somers Point Municipal Code as Appendix A-____ “Cross River Municipal Consent”.

SECTION 3. In the event any section, clause, sentence, phrase or provision or any item in 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 4. All other ordinances inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance shall take effect after final passage, approval, and publication as required by law.

Resolutions:

Clerk Samuelson read by title only the list of resolutions.

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson, 587 Marks Road questioned Resolution 166 (COAH).

Council Member McGuigan stated the resolution provides for a planner who was already appointed, but the planner’s firm had a corporate name change.

Council President Johnston stated the resolution was just a name change to an already appointed professional.

Jessica Smith, of Nehmad, Davis, & Goldstein, PA, commented on Resolution 166-21. She questioned the exact name for the developer. It was decided no further action was warranted as the resolution is correct.

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

Resolution No. 161 of 2021

M/S- Dill/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 161 of 2021

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Subject: A Resolution Amending and Correcting Resolution 157-21 to Reflect the Name of the Interim Conditional Redeveloper to Conform to the Certificate of Formation Filed by Sunset Ave Development, LLC

Introduced By: Council President Johnston

Whereas, on September 9, 2021, the City Council of the City of Somers Point passed Resolution [157-2021](#) authorizing the execution and delivery of a Memorandum of Understanding between the City of Somers Point and Sunset Ave Redevelopment, LLC and designating Sunset Ave Redevelopment, LLC as the Interim Conditional Redeveloper (the "Redeveloper") of Block 1214, Lots 9, 10, 11, 12, and 16; and

Whereas, subsequent to the September 9, 2021 City Council meeting the attorney for the Redeveloper provided a copy of the Redeveloper's Certificate of Formation in which the name of the Redeveloper is Sunset Ave Development, LLC;

Now, therefore, it is hereby **RESOLVED**, that Resolution [157-2021](#) is amended and corrected to designate the name of the Interim Conditional Redeveloper and the name of the party to the Memorandum of Understanding and Escrow Agreement is changed from Pleasant Ave Redeveloper, LLC to Sunset Ave Development, LLC; and

It is further **RESOLVED** that all other terms and provisions of Resolution 157-21, the Memorandum of Understanding, and the Escrow Agreement attached as an exhibit to the Memorandum of Understanding remain unchanged and continue in full force and effect; and

It is further **RESOLVED** that the execution and delivery by the Mayor of the signed Memorandum of Understanding and attached Escrow Agreement with the correct name of the Redeveloper is hereby approved, ratified, and affirmed.

Resolution No. 162 of 2021

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 162 of 2021

Subject: Resolution Establishing Salaries for Non-Contractual Employees of the City of Somers Point for 2021

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

WHEREAS, the Governing Body of the City of Somers Point passed Ordinance No. 11 of 2021 on August 26, 2021; and

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WHEREAS, Ordinance No. 11 of 2021 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. 163 of 2021

M/S-

THIS RESOLUTION WAS PULLED FROM THE AGENDA

No. 163 of 2021

Subject: Resolution Approving a Rights-of-Way Use Agreement Between the City of Somers Point and Cross River Fiber LLC, a New Jersey Limited Liability Corporation

Introduced By: Council President Johnston

WHEREAS, by Ordinance 12 of 2021 the City Council of the City of Somers Point granted to Cross River Fiber LLC a non-exclusive municipal consent for the use of public rights-of-way within the City of Somers Point for the sole purpose of owning, constructing, installing, operating, and maintaining a fiber optic telecommunications system to be attached to utility poles and within conduits owned by New Jersey utilities which have, by agreement, consented to use by Cross River Fiber LLC; and

WHEREAS it is necessary for the City and Cross River Fiber LLC to enter into a Rights-of-Way use agreement to set forth the terms and conditions under which Cross River Fiber LLC shall be permitted to exercise the rights granted to it by Ordinance.

Now, therefore, it is hereby **RESOLVED** by the City Council of the City of Somers Point, that the Mayor is authorized to execute the attached Rights-of-Way Agreement between the City of Somers Point and Cross River Fiber LLC.

Resolution No. 164 of 2021

M/S- Dill/Ferreri

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

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No. 164 of 2021**

Subject: Change Order #1 – Sanitary Sewer Gravity Main Rehabilitation

Introduced by: Council Members Dill, Owen and McGuigan

WHEREAS, in accordance with Resolution 86 of 2021, En-Tech Corp. LLC of Closter, New Jersey was awarded the contract for the Sanitary Sewer Gravity Main Rehabilitation project; and

WHEREAS, during construction, changes were made to reflect additional work performed ; and

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

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

Base Contract	Carport System: \$ 167,042.50
Change order #1	Carport System: \$ 13,940.72
Revised Amount	Carport System: \$ 180,983.22
Total Additional Cost: \$ 13,940.71	Net Change: +8.35%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for Sanitary Sewer Gravity Main Rehabilitation project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 165 of 2021

M/S- Owen/Ferreri

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

No. 165 of 2021

Subject: Change Order # 1 – Installation and Operation of a Ground Mounted Solar Photovoltaic Energy System Pursuant to a Solar Power Services Agreement

Introduced by: Council President Johnston

WHEREAS, in accordance with Resolution 140 of 2021, National Energy Partners LLC. of Voorhees, N.J., was awarded the contract for the Installation and Operation of a Ground Mounted Solar Photovoltaic Energy System Pursuant to a Solar Power Services Agreement; and

WHEREAS, during the application to the New Jersey Board Public Utilities, changes were made to reflect as-built quantities per their requirements; and

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

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

Base Contract	Carport System: 451,675 WATT System Production: 595,398 kWh/ Annual
Change order 1 (Deduct to reflect as-built quantities)	Carport System: (291,675 WATT) System Production: (387,398 kWh/ Annual)
Revised Layout Amount	Carport System: 160,000 WATT System Production: 208,000 kWh/ Annual
Total Deduction Cost: \$0	Total Additional Cost: \$0 Net Change: -64.58%

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 Installation and Operation of a Ground Mounted Solar Photovoltaic Energy System Pursuant to a Solar Power Services Agreement 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. 166 of 2021

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 166 of 2021

Subject: Appointment of COAH Municipal Planner
Introduced by: Council President Johnston

WHEREAS, the City of Somers Point has identified a need for a Fair Housing Act Municipal Planner (COAH Municipal Planner) for the period commencing upon appointment and for a term not to exceed one year to assist the City in developing and presenting a Compliance Plan to the New Jersey Superior Court for approval and acceptance; and

WHEREAS, on January 14, 2021, the City Council of the City of Somers Point passed Resolution No. 37 of 21 appointing **MASER Consulting, P.A.** as COAH Municipal Planner for the City of Somers Point for the period January 1, 2021 through a term to end not later than December 31, 2021, inclusive; and

WHEREAS, the contract was being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.; and

WHEREAS, subsequent to the submission of the RFP for said COAH Municipal Planner, MASER Consulting, P.A., was purchased by Collier Engineering and Design, Inc.; and

WHEREAS, no contract was executed by and between the City of Somers Point and MASER Consulting, PA, due to the change in ownership; and

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WHEREAS, Collier Engineering and Design, Inc., as successor to the interests of MASER Consulting, PA, has agreed to be bound by the provisions of the RFP submitted by MASER Consulting, PA.

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

1. Resolution No. 37 of 21 is hereby amended to identify the ownership change in MASER Consulting, PA, to that of **Collier Engineering and Design, Inc.**, and **Collier Engineering and Design, Inc., as the successor to the interest of Maser Consulting, PA**, is hereby appointed as COAH Municipal Planner for the City of Somers Point for the period January 1, 2021 through a term to end not later than December 31, 2021, inclusive.
2. This agreement 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 this contract, and that 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.
4. The Mayor is hereby authorized to execute an agreement with **Collier Engineering and Design, Inc.**, in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
5. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S.A. 40A:11.5 (6) is not required.

Resolution No. 167 of 2021

M/S- McCarrie/Owen

This resolution was adopted by unanimous vote of those present.

No. 167 of 2021

Subject: Extending the Time Period for Temporary and Limited Expansion of the Operations of Bars/Restaurants to their Outside Areas and Municipal Right of Ways

Introduced by: Council President Janice Johnston

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150 (2020), which set an effective date of Monday, June 15, 2020 at 6:00 a.m., for all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor

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license with retail consumption privileges, collectively referred to as “food or beverage establishments,” to offer in-person service at outdoor areas, subject to provisos; and

WHEREAS, on June 11, 2020, this governing body passed Resolution No. 121-2020 which provided a temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, said Resolution held that pending further resolution, the force and effect of the resolution, and all temporary rights set forth therein, were to terminate upon the earlier of either the effective date and time of the State of New Jersey relaxing the provisions of Executive Order 107 relative to its prohibition of on-premises consumption of food or beverages at bars and restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on July 24, 2020; and

WHEREAS, on July 23, 2020, this governing body passed Resolution No. 140-2020 which extended until September 14, 2020, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, on September 10, 2020, this governing body passed Resolution No. 151-2020 which extended until October 23, 2020, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, on November 4, 2020, this governing body passed Resolution No. 181-2020 which extended until January 29, 2021, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, on January 2, 2021, this governing body passed Resolution No. 49-2021 which extended until May 17, 2021, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, on May 13, 2021, this governing body passed Resolution No. 97-2021 which extended until September 27, 2021, the aforesaid temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, Governor Murphy has signed P.L. 2021, c.15, which among other things, expanded opportunities for restaurants, bars, distilleries, and breweries to provide outdoor dining, in response to the COVID-19 public health emergency; and

WHEREAS, in connection with the enactment of said legislation, the Director of the Division of Alcoholic Beverage Control on March 19, 2021, issued Administrative Order 2021-01, which extended the expiration date of all COVID-19 Expansion Permits issued pursuant to Special Ruling 2020-10 to November 30, 2022; and

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WHEREAS, it is recognized by this governing body that the COVID-19 outbreak continues to cause substantial economic suffering and financial hardship for many of the unlicensed restaurants of the City of Somers Point; and

WHEREAS, this governing body wishes to again extend the time period for the temporary and limited expansion of unlicensed restaurants to their outside areas and municipal right of ways.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the provisions of Resolution No. 97-2021 pursuant to unlicensed restaurants are hereby extended until at 11:59 p.m. on November 30, 2021, at which time the allowances provided for outdoor dining for non-licensed premises shall be rescinded.

BE IT FURTHER RESOLVED that the within resolution shall be effective immediately.

Resolution No. 168 of 2021

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 168 of 2021

Subject: Resolution Supporting the application of SJ Yacht Sales to the National Boating Infrastructure Grant Program

Introduced By: Council President Johnston

WHEREAS, the New Jersey Department of Transportation's Office of Maritime Resources (NJDOT/OMR) is accepting Proposals for funding under the National Boating Infrastructure Grant Program (NBIG).

WHEREAS, BIG funds are provided through the US Department of the Interior, US Fish and Wildlife Service to states "to construct, renovate, and maintain tie-up facilities" for transient, recreational vessels 26 feet or more in length, and are distributed annually.

WHEREAS, South Jersey Yacht Sales, located at 680 Bay Avenue, is applying for this grant; and

WHEREAS, South Jersey Yacht Sales has requested that the City of Somers Point support this application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point officially supports South Jersey Yacht Sales' application to the National Boating Infrastructure Grant Program.

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Resolution No. 169 of 2021

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

Resolution No. 169 of 2021

Subject: Awarding Bid for the FY 19 Bikeways – Mays Landing Road
Introduced By: Councilmen Dill

WHEREAS, on September 23, 2021 the City of Somers Point received bids for the FY 2019 Bikeways – Mays Landing Road, a project that is funded in part by a FY 2019 Bikeways Grant; and

WHEREAS, Charles Marandino, LLC, of Milmay, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Charles Marandino, LLC, of Milmay, New Jersey in the amount of \$180,268.00

WHEREAS, the NJDOT Local Aid Office must also concur with this resolution awarding a contract to Charles Marandino, LLC, of Milmay, New Jersey in the amount of \$180,268.00

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

- 1.) The Contract for the FY 19 Bikeways Grant – Mays Landing Road is hereby awarded to Charles Marandino, LLC, of Milmay, New Jersey in the amount of \$180,268.00, subject to approval from the NJDOT Local Aid Office.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Charles Marandino, LLC, of Milmay, New Jersey, signing on behalf of the City.
- 3.) The Mayor and City Clerk are hereby authorized and directed to sign all necessary forms required by NJDOT.

Resolution No. 170 of 2021

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

Subject: Place to Place Liquor License Transfer

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Introduced By: Council President Johnston

WHEREAS, the Point Pub of N.J., Inc., Somers Point Liquor License No. 0121-33-004-007 has applied for a place-to-place transfer of said liquor license to expand the licensed premises to include a separate building located at 264 New Road presently an unlicensed building, which is immediately adjacent to the existing licensed premises building, which will include outside rear loading docks; and

WHEREAS, the Police Chief has submitted a letter of approval; and

WHEREAS, contingent to the applicant receiving a Certificate of Occupancy from the Construction Official; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the above-mentioned application for a place-to-place transfer to expand the licensed premises of the Point Pub of N.J., Inc., Somers Point Liquor License No. 0121-33-004-007 is hereby approved.

Resolution No. 171 of 2021

M/S- Owen/Ferreri

This resolution was adopted by unanimous vote of those present.

No. 171 of 2021

Subject: Resolution Approving the Application for a Person To Person Transfer of Plenary Retail Consumption License No 0121-33-018-005

Introduced by: Council President Johnston

WHEREAS, an Application has been filed for a person-to-person transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-018-005 (the "License"); and

WHEREAS, said License is in the name of Ginger's on the Bay, LLC.; and

WHEREAS, the Applicant, TAF Holdings, LLC, Inc. has submitted an application which is complete in all respects, the Application and transfer fees have been paid, the license has been renewed for the current license term, an Application for Bulk Sale Permit has been filed, and a Tax Clearance Certificate has been received; and

WHEREAS, a Consent to Transfer New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 0121-33-018-005 has been executed by Eugene R. Mitchell authorized member of Ginger's by the Bay, LLC, and has been filed with the Somers Point City Clerk; and

WHEREAS, Notice of the Pending Application was properly published in *The Press of Atlantic City* on April 17 and April 24, 2021 and Proof of Publication has been filed with the Somers Point City Clerk; and

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WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the Police Department of the City of Somers Point has reviewed the qualifications of the License holder and the source of all funds used in the purchase of the license and has delivered a report and recommendation to the City of Somers Point Governing Body; and

WHEREAS, the License is currently a pocket license but is intended to be held for transfer at some future time to licensed premises situated within the City of Somers Point, County of Atlantic, State of New Jersey 08244 which shall be described in a future application which shall be subject to review and approval by this issuing authority;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Somers Point Governing Body does hereby approve, effective September 23, 2021, the transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-018-005 from Ginger's by the Bay, LLC to TAF Holdings, LLC.; and

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby direct the Somers Point City Clerk to endorse the License certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to TAF Holdings, LLC, effective September 23, 2021."

Resolution No. 172 of 2021

M/S- Dill/Ferreri

This resolution was adopted by unanimous vote of those present.

No. 172 of 2021

Subject: A Resolution Appointing Megan Hoerner, Esquire, as the Public Defender for the City of Somers Point Pursuant to N.J.S.A. 2B:12-27

Introduced by: Council President Johnston and Council Members McGuigan and McCarrie (as amended)

WHEREAS, N.J.S.A. 2B:12-27 provides that the governing body of municipality may appoint a ~~municipal prosecutor~~ public defender for the purposes of representing the municipality, county and State in the Municipal Court regarding matters within the jurisdiction of said Court; and

WHEREAS, the Somers Point City Council has determined that it is in the best interests of the City of Somers Point that a Public Defender be appointed; and

WHEREAS, City Council has previously appointed Darrin Lord, Esquire, of Northfield, New Jersey, as ~~Municipal Prosecutor~~ Public Defender for the City of Somers Point; and

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WHEREAS, Mr. ~~Reynolds~~ Lord has tendered his resignation from the position as ~~Municipal Prosecutor~~ Public Defender effective September 21, 2021; and

WHEREAS, City Council is desirous of appointing Megan Hoerner, Esquire, as Public Defender and

WHEREAS, Megan Hoerner, Esquire, fulfills all of the requirements of N.J.S.A. 2B:12-27 to serve as Public Defender.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that Megan Hoerner Esquire, shall be and is hereby appointed as Public Defender to serve as the ~~Municipal Prosecutor~~ Public Defender for the City of Somers Point, pursuant to N.J.S.A. 2B:12-7, commencing September 23rd, 2021, and continuing through December 31, 2021, or until such time as a successor is appointed.

Resolution No. 173 of 2021

M/S- McGuigan/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 173 of 2021

Subject: Promotion of Brianna McNair

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

WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Brianna McNair has performed the duties of Keyboarding Clerk 2 since July 1, 2019; and

WHEREAS, the City Administrator has recommended that Brianna McNair be promoted; and

WHEREAS, adequate funds are available within the Finance Department operations in the 2021 budget for this promotion.

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

- 1.) The promotion of Brianna McNair to the position of Principal Account Clerk, New Jersey Civil Service Local Government Job

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Specification 02755@, within the Finance Department is hereby approved effective January 1, 2021, on a provisional basis, pending

- 2.) the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective January 1, 2021 the salary of Brianna McNair will be in accordance with the designation of Bookkeeper 3, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 174 of 2021

M/S- Ferreri/Owen

This resolution was adopted by unanimous vote of those present.

No. 174 of 2021

Subject: Authorizing Contract with Court Administrator
Introduced By: Council President Johnston and Council Members
McGuigan and McCarrie

WHEREAS, it is necessary for the City to approve and authorize the execution of personal services contracts on behalf of the City by an appropriate City Official; and

WHEREAS, the existing agreement between the City and the Court Administrator is set to expire at midnight, December 31, 2021; and

WHEREAS, the Court Administrator and representatives of the City have negotiated a successor agreement, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes and directs the Mayor to execute the successor agreement between the City of Somers Point and the Court Administrator and by that act the City does hereby approve said agreement effective January 1, 2021.

Old Business:

- Update ACUA Second Joiner Agreement
[Removed per request of Solicitor Smith]

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- **County Court Consolidation**

Council President Johnston read Council Member Bruno's statement into the record regarding county court consolidation. Council Member Bruno offered her support for the City to join the county court system.

Council Member Ferrari stated her support for the consolidation due to costs and services. She also stated if the City enters into the county agreement earlier rather than later, the City court employees will have a better chance to be hired by the county.

Council Member Dill stated he has concerns regarding the consolidation, namely the long-term court employees and overtime scheduling of the police. He also stated no real budget has been presented; just a spread sheet. He wants to see a budget and discuss with the police department and current court staff.

Council Member McGuigan questioned if the subcommittee made a final recommendation on the consolidation.

Council President Johnston stated a recommendation was made.

Council Member McGuigan commented he would like more information from the City regarding the current court cost and the City's cost for the consolidation. He also commented on the revenue generation of the current cost and that the court system is a service, not a revenue generator. He also commented on short-term consolidation and the viability of long-term employees obtaining a county court position.

Council Member Owen commented he was in favor of consolidation.

Council Member McCarrie commented he wanted the subcommittee to review the contract, but as of now, he was in favor of consolidation.

Council President Johnston commented she agreed with the previous comments, but even with the court service, the costs need to be reviewed. Also, the additional services the county can offer are important. She desired to move forward with the drafting of the resolution and further review of all council members.

Council Member McGuigan questioned the proposed contract. Solicitor Smith stated he has not seen a finalized contract to draft a resolution.

Additional comment was provided regarding finalized contracts. Additional research would be done for sample contracts and resolutions passed by other Atlantic County municipalities.

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- YouTube Meetings/COVID Response

Council Member McCarrie questioned future COVID response and returning to Zoom meetings.

Council President Johnston commented the City continues to review state requirements and safety measures. Council will be updated upon any new requirements and/or best practices.

New Business:

- NJ State Firemen’s Association Application for Membership for Michael A. Jacoby Jr was unanimously approved by all Council Members present.
- Council Member McCarrie commented on State Senator Polistina and his appointment to the state senate.

Discussion of Bills:

Administrator Frost reported a Bill List dated 9/21/2021 in the amount of \$1,323,321.02 and a Record of Payment dated 9/17/2021 in the amount of \$2,500.00.

Public Portion:

The meeting was duly opened to the public.

Patricia Pierson, 587 Marks Road, commented on The House of Booze bringing in truckloads of sand to create a beach bar and her concerns regarding the sand washing away. She stated the sand has been removed, and she is pleased.

She also commented on a damaged sign on Bay Avenue and damaged bus stop on Shore Road. She stated upon report to City staff, the issues were rectified by City staff.

She also commented on the positive publicity the City received in The Atlantic City Press and Sentinel.

She also commented on the county court consolidation.

Theresa Dougherty, 26 Dogwood Drive, commented on Knockout Opioid Abuse Day, her support, and questioned community actions. She also commented on county court consolidation.

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Council Member McGuigan commented on the court consolidation and the length of travel to access the proposed court services.

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

Payment of Bills:

M/S – Ferreri/Owen

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

Adjournment:

There being no further business to come before City Council, Council Member Ferreri moved, Council Member Dill seconded and carried to adjourn the meeting at 8:13 p.m.

Submitted by:

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 10/14/2021