

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 28, 2023**

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

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

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

**Absent:** City Engineer Schneider

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**Open Public Meetings Act:**

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

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On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve a 48-hour waiver to consider an Additional Bill List and Resolution No 217 of 2023.

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**Communications:**

None

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**Mayor's Report:**

Mayor Glasser reported that the Veterans Day service will be held on November 11, 2023, at 11:00 a.m. at Patriots Park and Pearl Harbor Day service will be on December 3, 2023, at 1:00 p.m. at Somers Point Beach. Next, he stated that the Horsepower by the Bay Car Show will be held on October 21, 2023, from 10:00 a.m. to 2:00 p.m. followed by Trunk or Treat from 4:30 p.m. to 6:30 p.m. at Harbor Lane and Bay Avenue. Lastly, he announced that Gregory's Restaurant & Bar will be kicking off their Oktoberfest on September 29, 2023, at 7:00 p.m.

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**Administrator's Report:**

None

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**Solicitors Report:**

None

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**Engineers Report:**

None

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**Committee Reports:**

Council Member Owen met with the Economic Development Advisory Commission, where they discussed the City’s SWOT Analysis, Strengths, Weaknesses, Opportunities, and Threats. They plan to report their findings to City Council in the coming months.

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**Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member McCarrie and carried to approve the Regular Meeting Minutes of 9/14/2023.

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**Proclamations:**

No. 6 of 2023

**Knock Out Opioid Abuse Day  
October 6, 2023**

**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, 2023, 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

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**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

**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, 2023, be recognized as Knock Out Opioid Abuse Day in the City of Somers Point, New Jersey.

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**No. 7 of 2023**

**Proclaiming the Month of September as Prostate Cancer Awareness Month**

**Whereas**, this year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 34,700 will die this year from the disease, about 3,500 more than 2020 – which is one man every 15 minutes; and

**Whereas**, In New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed and an estimated 730 deaths will occur in 2023; and

**Whereas**, Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

**Whereas**, Prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

**Whereas**, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

**Whereas**, Veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

**THEREFORE BE IT RESOLVED**, that the month of September be recognized as Prostate Awareness Month in the City of Somers Point, New Jersey.

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**Ordinances:**

**Ordinance No. 22 of 2023**

*(Second Reading/Public Hearing/Adoption)*

**M/S-** Dill/Bruno

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

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

**No. 22 of 2023**

**An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6.  
and N.J.S.A. 39: 4-197.7, granting the Authority to establish a  
Restricted Parking Zone in Front of a Residence Occupied by a  
Handicapped Person Under Certain Conditions; Amending and  
Supplementing Section 250-50 of the Somers Point City Code;  
Repealing All Ordinances Heretofore Adopted, the Provisions  
of Which are Inconsistent Herewith**

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

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

**WHEREAS,** Section 250-48 of the Somers Point Municipal Code “Purpose” identifies certain requirements for the establishment and use of handicapped parking spaces and which limits the use of same; and

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

**WHEREAS,** A request has been submitted to the Mayor and City Clerk by:  
George Cornman stating the need for a Handicapped Parking Space in front of his residence at 210 Pennsylvania Avenue, Somers Point, NJ; and

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

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

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

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

**SECTION 1.** The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces, and Article V Section 250-54 Designations of locations are hereby amended to designate the following location as a Permit Only Handicapped Parking spaces and shall be so marked by sign indicating “Handicapped Parking by Permit Only”, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways:

<b>Name of Street</b>	<b>Location</b>
Pennsylvania Avenue	South Side directly in front of 210 Pennsylvania Avenue

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(sign to be placed 115 west feet of the westerly curb line of Second Street)  
(Handicapped Parking by Permit Only)

**SECTION 2.** Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate an area of 20 feet in length in front of the residence of the handicapped person, to be painted as a restricted parking zone.

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

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

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

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

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

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

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

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

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**Ordinance No. 23 of 2023**

*(Second Reading/Public Hearing/Adoption)*

**M/S-** Dill/Owen

The 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. 23 of 2023**

**An Ordinance Amending and Supplementing the Somers Point Municipal Code, Chapter 250 - Vehicles and Traffic, Article I – General Provisions, Section 250-8, “Overnight parking of certain vehicles prohibited.”**

**WHEREAS**, from time to time, individuals will park certain camping type vehicles on the streets and public parking areas in the City of Somers Point for purposes of using same as temporary sleeping and living quarters; and

**WHEREAS**, Section 117-14 of the Municipal Code precludes the overnight sleeping of any parked vehicle in any location in the City of Somers Point; and

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**WHEREAS**, the aforesaid ordinance was enacted for purposes of health and public safety; and  
**WHEREAS**, it is recognized the difficulty that exists at times in proving that an individual is actually sleeping overnight in a camping type vehicle on the streets or in the public parking lots in Somers Point; and

**WHEREAS**, N.J.S.A. 39:4-197 authorizes a Municipality, by ordinance, to regulate parking on its streets and portions thereof; and

**WHEREAS**, the City of Somers Point is authorized to regulate use of its public property, including all public parking lots; and

**WHEREAS**, the City Council of Somers Point wishes to ensure that individuals are not camping on the streets or public parking lots of the City of Somers Point.

**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:**

Chapter 250, Article I, Section 250-8 is hereby amended and supplemented to include the following provision:

- C. The parking of campers, camper trailers, recreational vehicles (RVs), vehicles designed and/or intended to be used for camping purposes is hereby prohibited between the hours of 11:00 p.m. and 6:00 a.m. on any street, roadway, alley, and/or public parking lot, unless same is parked in front of the residence to which it is registered.

**SECTION 2:**

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

**SECTION 3:**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 4:**

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 5:**

This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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**Resolutions:**

**Public Portion Resolutions:**

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

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**Resolution No. 208 of 2023**

**M/S- Owen/McCarrie**

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This resolution was adopted by unanimous vote of those present.

**No. 208 of 2023**

**Subject: Tax Overpayment Refund Block 2043 Lot 7 Qualifier C0077**

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

**WHEREAS**, the below listed overpayment for the years designated is held in reserve by the City of Somers Point; and

**WHEREAS**, the property tax payments were overpaid inadvertently creating an overpayment and;

**WHEREAS**, the title company has requested the overpayment be refunded to Trident Land Transfer Co of NJ LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following overpayment be refunded to Trident Land Transfer CO of NJ LLC.

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

<b>Block</b>	<b>Lot</b>	<b>Qualifier</b>	<b>Property Owner Address</b>	<b>Amount</b>	<b>Year</b>
2043	7	C0077	77 Windjammer Drive	\$1,885.24	3 <sup>rd</sup> Qtr. 2023
					<b>Total:</b>
					<b>\$1,885.24</b>

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**Resolution No. 209 of 2023**

**M/S- Dill/McCarrie**

This resolution was adopted by unanimous vote of those present.

**No. 209 of 2023**

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

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

**WHEREAS**, the Chief Financial Officer has completed a review of the Grant Fund; and

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

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<u>Description</u>	<u>Cancel</u>	<u>Cancel</u>
<u>Grants Receivable</u>		
FEMA FY 2018 PDM Exton Road Pump Station	\$261,365.63	
<u>Appropriated Reserves</u>		
FEMA FY 2018 PDM Exton Road Pump Station		\$261,365.63
	\$261,365.63	\$261,365.63
To Current Fund Balance: \$0		

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**Resolution No. 210 of 2023**

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 210 of 2023**

**Subject: Authorizing Purchase of One (1) Toro Workman MDX Utility Vehicle Through the Educational Services Commission of New Jersey (ESCNJ) National Cooperative Purchasing Program for Contract #22/23-12 , Grounds Maintenance Equipment, for the Somers Point Public Works 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 Educational Services Commission of New Jersey has acted as lead agency and awarded Contract Number #22/23-12, Grounds Maintenance Equipment; and

WHEREAS, the City's Public Works Department has a multiple pieces of Utility Equipment which are becoming increasingly cost prohibitive to maintain; and

WHEREAS, Superintendent of Public Works Guy Martin, the City Council Finance Committee, and City Administrator/Purchasing Agent Jason Frost have reviewed the contract from Educational Services Commission of New Jersey Contract Number #22/23-12 , Grounds Maintenance Equipment, and have determined that the acquisition of one (1) Toro Workman MDX Utility Vehicle is the functional economic solution to replace the City of Somers Point's aging Utility Equipment; and

WHEREAS, it is recommended that City Council approve the acquisition of one (1) Toro Workman MDX Utility Vehicle for the Public Works Department's for use throughout the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, one (1) Toro Workman MDX Utility Vehicle purchased from Turf Equipment and Supply Company, 33280 Dupont Blvd. Frankford, DE 29945 in accordance with the Educational Services Commission of New Jersey contract term for Contract Number #22/23-12 , Grounds Maintenance Equipment, contract for use by the Public Works Department as follows:

Toro Workman MDX Utility Vehicle as follows:

Description

- 14 HP engine
- 1,650 lb total capacity, 4 wheel brakes



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- MVP Filter Kit
- Electric dump bed
- Rahn Ballfield Groomer with lift
- Double walled heavy duty plastic bed
- Two-year/1500 hour warranty

Subtotal:..... \$20,182.78

\*Total Amount of Educational Services Commission of New Jersey Contract Number #22/23-12 ,  
Grounds Maintenance Equipment.

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**Resolution No. 212 of 2023**

**M/S- Dill/McCarrie**

This resolution was adopted by unanimous vote of those present.

**NO. 212 of 2023**

**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 September 28, 2023, 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 communication regarding the status of litigation involving the City and its Zoning Board entitled, “Garden State Outdoor,**

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**LLC v. City of Somers Point, City of Somers Point Zoning Board,” having a docket number of ATL-L-143-23.**

**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 handling of litigation.

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**Resolution No. 215 of 2023**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

**NO. 215 of 2023**

**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 June 8, 2023, during a public meeting to be held commencing at 7:00 P.M, and

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**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.

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

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

**Advice of Counsel and attorney-client communication regarding the issue of the existing Right of Way of Broadway in connection with its intersection with McArthur Boulevard, and potential litigation regarding same, as well as its impact on litigation involving the City and its Zoning Board entitled, “Garden State Outdoor, LLC v. City of Somers Point, City of Somers Point Zoning Board,” having a docket number of ATL-L-143-23.**

**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 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.

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**Resolution No. 216 of 2023**

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

**No. 216 of 2023**

**Subject:      Awarding Bid for the 2023 Emergency Stormwater Repairs and  
Miscellaneous Maintenance Contract**

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**Introduced By: Council Member Dill**

**WHEREAS**, on September 26, 2023, the City of Somers Point received bids for the 2023 Emergency Stormwater Repairs and Miscellaneous Maintenance Contract; and  
**WHEREAS**, Seashore Associated Mechanical Contractors, Inc., of Egg Harbor City, New Jersey was the lowest responsible bidder; and  
**WHEREAS**, the City Engineer’s office has recommended that the City award the contract to Seashore Associated Mechanical Contractors, Inc., of Egg Harbor City, New Jersey in the amount of \$228,275.00  
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point as follows:  
1.) The Contract for the 2023 Emergency Stormwater Repairs and Miscellaneous Maintenance Contract is hereby awarded to Seashore Associated Mechanical Contractors, Inc., of Egg Harbor City, New Jersey in the amount of \$228,275.00  
2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Seashore Associated Mechanical Contractors, Inc., of Egg Harbor City, New Jersey, signing on behalf of the City.

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**Resolution No. 217 of 2023**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

Council Member Dill thanked all the Crossing Guards for their commitment and protecting our community’s children.

Council Member McGuigan agreed with Council Member Dill and gave a special shoutout to Mary Matricardi for her ever-continuing dedication.

**No. 217 of 2023**

**Subject: Hiring School Crossing Guards**

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

**WHEREAS**, for the 2023-2024 school year there exists a need for the part-time position of School Crossing Guard; and  
**WHEREAS**, in accordance with N.J.S.A. 40A:9-154.1 the Governing Body may appoint adult School Crossing Guards for a term not to exceed one year; and  
**WHEREAS**, the hourly rate of pay for these crossing guards shall be set at \$26.00 per hour for the 2023-24 school year effective on this date; and  
**WHEREAS**, the Police Chief of the City of Somers Point has recommended certain individuals for appointment to that position.

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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following individuals are hereby appointed for a term of one year to the part-time position of School Crossing Guard:

<b>Name</b>	<b>Effective Date of Hire</b>
Vanita Allen	8/25/2021
Marty Brennan	9/22/2020
Karen Bromall	08/26/2014
Cheri Broshard	08/23/2019
Sandy Disciascio	8/24/2014
Mary Matricardi	03/01/1989
Denise McLaughlin	10/08/2007
Paul McLaughlin	11/20/2017
Lynn Moore	12/21/1998
Maryann Parker	08/31/2004
Linda Petti	03/21/2021
Hank Wilhelm	11/16/2015
Jack Shields	09/02/2022
Willaim Falls	08/31/2023

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**Consent Agenda Resolutions:**

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

**No. 211 of 2023**

**Subject:                    Authorizing Agreement with the Atlantic County Improvement Authority for Participation in County Wide Registration Program for Abandoned Properties**

**Introduced By:        Council President Johnston**

**WHEREAS**, there exists within the City of Somers Point the need for a new third-party administrator to develop and/or implement a real property registry and fee collection program in order to identify vacant and abandoned properties in the City of Somers Point, continue to eliminate and prevent community decay, the spread of blight and deterioration of properties in the City of Somers Point; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, it is the recommendation of the Common Council of the City of Somers Point that the Shared Services Agreement for the Participation in a County-Wide Registration Program for Abandoned Properties attached hereto as Exhibit "A" be accepted.

**WHEREAS**, N.J.S.A. 40A:65-5 requires the adoption of a resolution by the local units in order to authorize the execution of an agreement with the Atlantic County Improvement Authority; and

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

1. The Mayor is hereby authorized and directed to execute the agreement between the Atlantic County Improvement Authority and the City of Somers Point in the form attached hereto.
2. Upon its execution, the executed copy of the agreement will be attached hereto and made a part hereof.

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**No. 213 of 2023**

**Subject: A Resolution Authorizing the Business Administrator to Send John Helbig as a Representative of the City to an Event Coordinated by the Sustainability Institute at The College of New Jersey**

**Introduced by: Council President Johnston**

**WHEREAS**, Sustainable Jersey and Atlantic City Electric have invited representatives of the City of Somers Point to an event regarding 2023 Sustainable Communities Environmental Stewardship; and

**WHEREAS**, said event is being coordinated by the Sustainability Institute at The College of New Jersey; and

**WHEREAS**, said event is scheduled for Wednesday, October 4, 2023 in Egg Harbor City; and

**WHEREAS**, the attendees will be afforded the opportunity to learn about funded projects, network with other individuals involved in such projects, and ask questions regarding such projects; and

**WHEREAS**, City's Environmental Commission has an interest in all programs, events and grants involving the Sustainable Communities Environmental Stewardship; and

**WHEREAS**, Mr. John Helbig, as the Chair of the City's Environmental Commission, has worked with the Sustainability Institute at The College of New Jersey in connection with the 2023 Sustainable Communities Environmental Stewardship; and

**WHEREAS**, Mr. John Helbig has requested that he be authorized to attend the aforesaid event on behalf of the City of Somers Point, and engage in all such activities as directed by the City's Administrator; and

**WHEREAS**, the City Council wishes to have Mr. John Helbig, at the direction and in accordance with any requirements imposed upon him by the City Administrator, attend the aforesaid event on behalf of the City.

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

1. Mr. John Helbig is hereby authorized to attend and participate in the 2023 Sustainable Communities Environmental Stewardship event held on October 4, 2023, in Egg Harbor City on behalf of the City of Somers Point; and
2. Mr. John Helbig's attendance and participation shall be at the direction of the City Administrator.

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**No. 214 of 2023**

**Subject: A Resolution Authorizing the Mayor to Execute a Waiver of Potential Conflict of Interest Relating to Representation by McElroy, Deutsch, Mulvaney & Carpenter, LLP, in Connection with a Development Project at Monmouth Park**

**Introduced by: Council President Johnston**

**WHEREAS**, Atlantic County, and seven municipalities, including the City of Somers Point, were engaged in a 2017 lawsuit which challenged the Casino Pilot Legislation; and

**WHEREAS**, settlement was reached the aforesaid litigation in 2018, which was consummated in a Consent Order entered into in 2018; and

**WHEREAS**, Atlantic County and the seven municipalities were represented by the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, in the aforesaid 2017 matter; and

**WHEREAS**, in 2021, the New Jersey Legislature passed Amendments to the Casino Pilot, which was signed into law by Governor Murphy; and

**WHEREAS**, as a result of the aforesaid legislation enacted in 2021, Atlantic County, and the seven municipalities involved in the 2017 litigation, again filed suit wherein their respective interests were again represented by the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP; and

**WHEREAS**, the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, was successful on behalf of the County and the seven municipalities in this latest lawsuit; and

**WHEREAS**, there is currently an appeal pending in the Appellate Division relative to this latest lawsuit where in the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, has continued their presentation of the County and the seven municipalities; and

**WHEREAS**, the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, has been approached to do certain legal work for an entity relative to a development project at Monmouth Park, which entity has amongst its investors an individual who maintains an ownership interest in Resorts International Hotel and Casino in Atlantic City; and

**WHEREAS**, although Resorts International Hotel and Casino is not a party to the aforesaid litigation resulting from the 2021 legislation, the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, has requested that the Atlantic County, and the seven municipalities sign off on a waiver of any potential interest in connection with its anticipated representation of a development group at Monmouth Park; and

**WHEREAS**, the City Council of Somers Point recognizes the benefit of having the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, continue to represent it, the County and the other six municipalities in connection with the lawsuit now pending before the Appellate Division, and wishes it to continue its current representation.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Somers Point the Mayor of Somers Point is hereby authorized to execute the attached Waiver of Potential Conflict of Interest, dated September 5, 2023.

**IT IS FURTHER HEREBY RESOLVED** that the City Clerk shall forward same onto Mr. James Ferguson, Esquire, Atlantic County Counsel with a copy of the within resolution.

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## Old Business:

None

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## New Business:

- Approval of Social Affair Permits for American Legion on 10/15/2023 from 1:00 p.m. to 5:00 p.m. at the American Legion Post 352, 733 First Street for a Fundraiser for Veterans.
- Approval of Social Affair Permit for Cape Shore Chorale on 11/4/2023 from 6:00 p.m. to 9:00 p.m. at Grace Lutheran Church.
- Approval of Social Affair Permit for St. Joseph Church for an event on 10/20/2023 from 5:00 p.m. to 8:00 p.m.
- Draft ordinance Amending Section 114-50A (1) in the HC-1 Zoning District Landscaping and Fences in Reference to Planting Requirements.
  - o Council Member McGuigan explained that this proposed ordinance details the modification of requirements for planting trees on any new developments or redevelopments. The proposed ordinance is graduated based on square footage and adds the opportunity that if a developer cannot support the trees needed, the requirement can be shifted to city owned property or monetary substitution.
  - o Council Member McCarrie believes this is a matter for the Planning Board and that it is an unnecessary burden on residents.
  - o Zoning Board Member, John Helbig, clarified that this proposed ordinance applies only to commercial developments and redevelopments, and that it provides more flexibility to the existing code and reduces the number of required trees to be planted.
  - o Council President Johnston believes that this should be handled on a case-to-case basis by the Planning Board. She would also like to see a comparison between the draft ordinance and the current ordinance.
  - o Council Member Dill would like to see the Planning Board's input before making a final decision on this proposed ordinance.
  - o On the motion of Council Member McGuigan, seconded of Council Member Bruno and carried to approve by a roll-call vote, a 48-hour waiver to consider Resolution No. 218 of 2023 by title only. Roll call was recorded as follows:
    - Bruno – Yes
    - Owen – Yes
    - DePamphilis – No
    - McCarrie – No
    - McGuigan – Yes
    - Dill – Yes
    - Johnston – No
  - o Council President Johnston stated her discomfort in voting on a resolution that has not been created yet, and Council Member McGuigan clarified that the resolution would only say that they agree to send the draft ordinance to the Planning Board for their review.
  - o Resolution No. 218 of 2023 was adopted by a roll call vote of those present:



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- Bruno – Yes
  - Owen – Yes
  - DePamphilis – No
  - McCarrie – No
  - McGuigan – Yes
  - Dill – Yes
  - Johnston – No
- Draft Ordinance Amending Sections 114-143B and 114-144B of Article XXII Site Plan Review and Adding Requirements for Bicycle Parking Provisions.
- o Councill Member McGuigan explained that this proposed ordinance pertains to bicycle parking space requirements for new developments and redevelopments. He detailed that the conditions are left general for the Planning Board to be able to provide maximum input when reviewing the development. In addition, he believes that this would be a good thing, as we are making efforts to become a more bike-friendly community.
  - o Council Member McCarrie indicated that he is all for businesses having bike racks, however, he feels that that should be left up to the business owner to decide if they want it or not. Moreover, he expressed the need for more information on associated costs that the business would incur.
  - o Council President Johnston proposed the idea of campaigning for existing business to install bike racks, however, she does not believe new business should be forced to install them.
  - o On the motion of Council Member McGuigan, seconded of Council Member Dill and carried to approve by a roll-call vote, a 48-hour waiver to consider Resolution No. 219 of 2023 by title only. Roll call was recorded as follows:
    - Bruno – Yes
    - Owen – Yes
    - DePamphilis – No
    - McCarrie – No
    - McGuigan – Yes
    - Dill – Yes
    - Johnston – No
  - o Resolution No. 219 of 2023 was adopted by a roll call vote of those present:
    - Bruno – Yes
    - Owen – Yes
    - DePamphilis – No
    - McCarrie – No
    - McGuigan – Yes
    - Dill – Yes
    - Johnston - No

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**Discussion of Bills:**

Administrator Frost reported a Bill List dated 9/26/2023 in the amount of \$2,371,979.43, a Record of Payment dated 9/20/2023 in the amount of \$183.32, and an Additional Record of Payment dated 9/27/2023 in the amount of \$60.00.

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**Public Portion:**

Council President Johnston duly opened the meeting to the public.

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Ed O'Donnell of Somers Point announced that the University of Pennsylvania donated free football tickets to his charity for low-income children in addition to gifts and school supplies. He also emphasized the importance of being an activist.

Patricia Pierson of Somers Point shared her disagreement with the proposed draft ordinances and conveyed the seriousness of the City's Masterplan.

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

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**Payment of Bills:**

**M/S:** McGuigan/Dill

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

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**Comments from the Governing Body:**

Council Member Dill recognized John Helbig for all his efforts in support of the City. Moreover, in response to the public comments, he mentioned that we have a very active Economic Development Advisory Commission and public relations company who are doing a fantastic job in making sure the City is attracting new business.

Council Member McGuigan asserted that characterizing any part of this community as a "ghetto" is a disservice to City Council and the community.

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**Recess:**

The Governing Body recessed briefly before going into Executive Session at 8:10 p.m.

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**Reconvene:**

Council President Johnston reconvened the Governing Body to Open Session at 8:58 p.m.

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**Adjournment:**

There being no further business to come before City Council, Council Member Dill moved, Council Member McCarrie seconded and carried to adjourn the meeting at 9:00 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 10/12/23