

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

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, Dill, DePamphilis McCarrie, McGuigan, Owen, Johnston

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelson, Deputy Clerk Heath, City Solicitor Thomas Smith, and City Engineer Greg Schneider and Special COAH Attorney James Franklin

Absent:

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 Presentations:

Kamini Patel, MBA, CIC, CPCU, AIDA, Program Director of the Atlantic County Municipal Joint Insurance Fund gave a presentation to City Council regarding the City's insurance renewal including assessment, training programs and prevention initiatives.

Communications:

None

Mayor's Report:

Mayor Glasser reported it was great to have the crew of the USS NJ in the City recently. He gave kudos to Carmen Marotta for hosting and acknowledging them at the beach concert and the sponsors dinner. Mayor Glasser mentioned Richard Somers Day was a nice event that brought more knowledge about Richard Somers and his crew who are still in Tripoli. He also mentioned a great tournament event hosted by the Michael Strange Foundation in honor of a Seals team that was lost in a helicopter crash in Afghanistan. Mayor Glasser mentioned the Good Old Days festival will be held on 9/10 at Kennedy Park and the 9/11 Ceremony to be hosted by the Fire Departments at Patriots Park at 8:30 and encouraged everyone to attend. There will also be a POW/MIA Service at Patriots Park on 9/20 at 6PM. Mayor Glasser also reported a Veteran's Advisory meeting to be held on 9/20 at 6 PM at the AMVETS building.

Administrator's Report:

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None

Solicitors Report:

None

Engineers Report:

Engineer Schneider reported the W. Atlantic Avenue Phase I and II projects are near complete. There are a few minor things to be finished, and he will be submitting to the State for reimbursement for the grant. He mentioned the 2022 Stormwater Repair Phase II continues along Dartmouth Road replacing a collapsed storm drain. Engineer Schneider also reported the radar signs were installed on the bike path along Somers Point Mays Landing Road, and the pedestrian crossing sign will be installed at Broadway in the next few days.

Committee Reports:

Council Member Bruno reported the Garden Club will be holding their 70th anniversary jubilee this year. She mentioned more tickets were sold for the Garden Tour this year than ever before. She also mentioned the garden at the mansion has vegetables available, and the Longwood Gardens bus tour will be held 11/29.

Council Member Dill recognized the City Clerk's office and staff for their hard work on tracking and managing the insurance programs with the Joint Insurance Fund (JIF).

Approval of Minutes:

On the motion of Council Member McCarrie, seconded of Council Member Dill and carried to approve the Regular Meeting Minutes of 7/21/2022 and 8/18/2022 and the Executive Session Minutes of 7/21/2022 and 8/18/2022 with Council Members Dill and McGuigan recusing from the Executive Session Minutes of 8/18/2022 as they were not present.

Ordinances:

Ordinance No. 20 of 2022
M/S- Dill/Owen

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

(Second Reading/Public Hearing/Adoption)

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

No. 20 of 2022

An Ordinance Amending Chapter 169 Article VII, Mortgagee Registration Requiring the Registration and Maintenance of Certain Real Property by Mortgagees, Providing for Penalties and Enforcement, as well as the Regulation, Limitation and Reduction of Abandoned Real Property within the City of Somers Point, County of Atlantic; and Providing for Severability, Repealer, Codification, and an effective Date

Statement of Intent and Purpose.

Whereas, on August 28, 2014, the City of Somers Point adopted by Ordinance No. 24 of 2014 a Mortgagee Registration Ordinance which has been included in the Somers Point City Code as Article VII of Chapter 169 as same has been subsequently amended and supplemented; and

Whereas it is in the public interest for the City of Somers to amend the process to mitigate the amount of deteriorating property located within the City, which is vacant or foreclosed and to amend the registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of vacated and foreclosure properties; and

Whereas, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

Whereas, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

Whereas, the City has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

Whereas the City desires to amend its City Code in order to participate in the County-wide registration program established by the Atlantic County Improvement Authority that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

Whereas it is in the public interest for the City to establish minimum standards of accountability on the owners or other responsible parties of vacant and foreclosure properties in order to protect the health, safety, and general welfare of the residents of the City; and

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Whereas the purpose of the recommended changes is in light of P.L. 2021, c. 444.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Somers Point, Atlantic County, New Jersey, that Article VII of Chapter 169 of the Municipal Code be amended as follows:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof

SECTION 2. That the Governing Body hereby amends the Code of the City of Somers Point amending Chapter 168 Article VII "Mortgagee Registration" to read as follows:

CHAPTER 169 ARTICLE VII. MORTGAGEE REGISTRATION

§ 169-71 Purpose and intent.

It is the purpose and intent of this article to amend the process to mitigate the amount of deteriorating property located within the City of Somers Point, which is in foreclosure, or where ownership has been transferred to a lender or mortgagee by any legal method. It is further intended to improve the registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties during the foreclosure process.

§ 169-72 Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the State of New Jersey Building Code shall apply. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

ABANDONED REAL PROPERTY

- A.** Any real property that is vacant and that has had a lis pendens filed against it by the lender holding a mortgage on the property, and/or is subject to an ongoing foreclosure action by the mortgagee, and/or is under a notice of mortgagee's sale, and/or properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure sale, a short sale or any other legal means.

- B.** For the purpose of registration and enforcement, "abandoned real property" also means any real property that is occupied and that has had a lis pendens filed against it by the lender holding a mortgage on the property, and/or is subject to an ongoing foreclosure action by the lender, and/or is under a notice of mortgagee's sale, and/or

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properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure sale, a short sale or any other legal means.

- C. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner through an arm's length transaction, or the foreclosure action has been dismissed.

ACCESSIBLE PROPERTY

A property that is accessible through a compromised/breached gate, fence, wall, etc.

ACCESSIBLE STRUCTURE

A structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

ANNUAL REGISTRATION

Twelve (12) months from the date of the first action that requires registration, as determined by the Town, or its designee, and every subsequent twelve (12) months. The date of the initial registration may be different than the first action that required registration.

BLIGHTED PROPERTY

- A. Properties that have broken or severely damaged windows, doors, walls, or roofs or other code deficiencies which create hazardous conditions and encourage trespassing;
- B. Properties cited for a public nuisance pursuant to the Somers Point City Code; or
- C. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Municipal and Zoning Codes.

CITY

The City of Somers Point.

COMMERCIAL PROPERTY

Any real property and structure(s) for other than residential use.

DAYS

Consecutive calendar days.

DEFAULT

When a mortgagee declares said mortgage to be in default either in writing, by recording a complaint for foreclosure, lis pendens, or commences foreclosure proceedings.

ENFORCEMENT AUTHORITY

The Code Enforcement Office, the Department of Public Works, the Police Department, and any other department designated as such by the City Administrator.

ENFORCEMENT OFFICER

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Any full-time or part-time law enforcement officer, building official, fire inspector or code enforcement officer employed by, contracted for, or servicing the City of Somers Point.

EVIDENCE OF VACANCY

Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water, or other utilities turned off, stagnant swimming pool, statements by neighbors, passersby, delivery agents or government agents, among other evidence.

FORECLOSURE OR FORECLOSURE ACTION

The legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

LOCAL PROPERTY MANAGER

An individual property manager, property management company, property maintenance company or similar entity located within the State of New Jersey, designated by the owner or mortgagee who is responsible for the maintenance of real property as required by this Chapter.

MORTGAGEE

The creditor, including but not limited to, mortgage service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY

Any real estate, residential property, or portion thereof, located in the City, including buildings or structures situated on the property. For the purposes of this section only, "property" does not include property owned or subject to the control of the City or any of its governmental bodies or agencies.

PUBLIC NUISANCE

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All abandoned property is hereby declared to be a public nuisance, the abatement of which, pursuant to the police power, is hereby declared to be necessary for the health, welfare, and safety of the residents of the City of Somers Point.

PUBLIC PROPERTY

All waterways, lands and improvements owned by governmental body or any governmental agency including but not limited to easements and rights-of-way.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

SECURING

Taking measures that assist in making the property inaccessible to unauthorized persons.

VACANT

Any property not currently legally occupied and not properly maintained or secured.

§ 169-73 Applicability.

This article relates to foreclosure and/or vacant property. This chapter shall be considered cumulative and is not superseding or subject to any other law or provision for same but shall rather be an additional remedy available to the City of Somers Point in addition to, above and beyond any other state, county and/or local provisions for same; and in addition to any other remedies in law or equity not set forth herein.

§ 169-74 Registration of foreclosure properties; duty to provide written notice.

A. Registration of real property by Mortgagee:

- (1) Any mortgagees as defined in § 169-72 must register foreclosing properties with the Somers Point Code Enforcement Office on forms to be provided by the Code Enforcement Office.
- (2) All registrations must state the Mortgagee's and agent's name, phone number and mailing address. The mailing address may not be a P.O. box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the registrant must designate and retain an individual or local property management company responsible for the security and maintenance of the property within the State of New Jersey. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P.O. box.
- (3) The registration must be received within 10 days of the initiation of the foreclosure process as required by N.J.S.A. 46:10B-51.

B. Any mortgagee who holds a mortgage on real property located within the City of Somers Point shall perform an inspection of the property that is the security for the mortgage, upon default, as evidenced by a foreclosure filing against the property. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee

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shall, within 10 days of the inspection, register the property with the Code Enforcement Officer, his or her designee, or other authorized representative, on forms provided by the City of Somers Point Code Enforcement Office. A separate registration is required for each property, whether it is found to be vacant or occupied.

- C. If the property is occupied but remains in foreclosure, it shall be inspected by the Mortgagee or their designee monthly until the foreclosure is resolved.; or, if the property is found to be vacant or shows evidence of vacancy, at which time it is deemed to be abandoned, the mortgagee shall, within 10 days of that inspection, register the property with the Code Enforcement Officer on forms provided by the City of Somers Point Code Enforcement Office. A registration is required for each foreclosure property.
- D. All registrations pursuant to this section shall contain at a minimum the name of the Mortgagee along with the corresponding mailing addresses of both mortgagee/servicer, e-mail addresses, and telephone numbers. The mailing address may not be a P.O. box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the mortgagee, and/or registrant must designate and retain an individual or local property management company responsible for the security and maintenance of the property within the State of New Jersey. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P.O. box.
 - (1) The local property manager shall be responsible to inspect, secure and maintain the property. The local property manager named in the registration shall be located within New Jersey and available to be contacted Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excepted.
 - (2) A 24/7 contact number for the local property manager shall also be provided to be used in the event of an emergency.
- E. Annual registration.
 - (1) All property registrations are valid for one year from the date the property was required to have been registered.
 - (a) The initial registration fee is \$500 and must accompany the registration form.
 - (b) Subsequent annual registration fees are \$500 and must accompany the registration form.
 - (c) All applications and fees are due by the registration date specified in Code § 169-74. All renewal applications and fees are due on the expiration of the prior annual registration. Registration fees and renewal fees will not be prorated or refunded and are in addition to any fines, penalties or assessments which may be imposed under Code § 169-79, including penalties for late registration.

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(d) If the Foreclosure Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

(e) All registration fees must be paid directly from the mortgagee, servicer, trustee, or owner. Third party registration fees are not allowed without the consent of the City and/or its authorized designee.

(2) No governmental agency is required to pay the annual registration fee.

(3) properties subject to this section shall remain under the annual registration requirement, inspection, security, and maintenance standards of this section as long as they remain abandoned, as defined herein, or are vacant.

F. Change in status.

Any mortgagee that has registered a property under this chapter must report any change of information contained in the registration within 10 calendar days of the change. There is no fee for modifying contact information if the organizational information remains the same and within one year of the last registration payment.

G. Failure of the mortgagee to properly register or to revise from time to time the registration to reflect a change of circumstances as required by this chapter is a violation of this and may result in a citation by the Code Enforcement Office with subject to the penalty provided herein.

H. Pursuant to a finding and determination by the Code Enforcement Officer or the Somers Point Police Department that any property is in violation of the City ordinance or ordinances, and if not corrected within 30 calendar days following receipt of written notice to the owner or mortgagee, the City may take the necessary action to ensure compliance with its ordinance(s) and place a lien(s) on the property for the cost of the work performed to benefit the property and to bring it into compliance, which lien may be assigned to either the entity that performs the work or arranges to have the work performed.

I. At such time that the property becomes abandoned, the owner or mortgagee shall submit a no trespass affidavit with the Code Official and/or assignee that the property has been posted as "No Trespass."

§ 169-75 Maintenance requirements.

A. The owner of any property subject to this article shall:

(1) Keep the property free of:

(a) Dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local

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law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned or not being properly maintained.

- (b) Weeds, overgrown brush, or dead vegetation over the height limitations imposed by the Somers Point Municipal Code. The obligation to maintain shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings and weeds.
 - (c) Rubbish, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris, dead and dying trees or other natural growth which, by reason of rotting or deteriorating condition or storm damage within 50 feet of a structure on an adjacent property or public right-of-way which constitutes a hazard to persons or structures in the vicinity thereof; and
 - (d) Dilapidated bulkheads.
- (2) Maintain property on which and along which sidewalks and curbs are located in proper condition and good repair, free of obstruction, debris, or other unsafe conditions, projections, obstructions, icy conditions, and snow accumulation.
 - (3) Maintain the property free of graffiti or similar markings by removal or painting over with an exterior-grade paint that matches the color of the exterior structure. Yards shall be landscaped and maintained pursuant to the standards set forth in the Somers Point City Code and the International Property Code. Landscaping shall include, but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential, commercial, or industrial installation, as applicable. Landscaping shall not include weeds, gravel, broken concrete, asphalt, or similar material.
 - (4) Keep pools, fountains, ponds, and spas in working order or properly winterized and covered or lawfully demolished so that pool, fountain, pond, and spa water remains free and clear of pollutants and debris. Pools, fountains, ponds, and spas shall comply with the enclosure requirements of the Somers Point Municipal Codes and the State of New Jersey Building Code. Demolition or removal of pools, fountains, ponds, and spas shall be performed in compliance with the New Jersey Building Code, the Somers Point Municipal Code, and all other applicable laws, rules, and regulations.

B. Failure to maintain. Failure of the owner to properly maintain the property as required by this article is a violation of the Somers Point Municipal Code and may result in the issuance of a citation by the Code Enforcement Officer. Pursuant to a finding and determination by the Code Enforcement Officer that any property is in violation of a City ordinance or ordinances, the City may take the necessary action to ensure compliance with its ordinances and place a lien(s) on the property and assign it as provided elsewhere herein.

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C. Maintenance to comply with applicable laws, codes, rules, and regulations. Properties subject to the requirements of this article must be maintained in accordance with all applicable federal, state, and local laws, rules, and regulations. The owner or local property management company must inspect the property twice a month for the duration of the vacancy.

D. Posting of notice on vacant or abandoned property.

(1) When a property becomes vacant, within not less than 10 calendar days following the date it becomes vacant, the property shall be posted with the name and twenty-four-hour contact telephone number of the local property manager. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language: "THIS PROPERTY IS MANAGED BY (Name of Local Property Manager). TO REPORT PROBLEMS OR CONCERNS, CALL (Telephone Number of Local Property Manager)." The sign shall be kept properly maintained and legible during the period of the vacancy.

(2) The posting shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials. The posting shall be kept properly maintained and legible during the period of the vacancy.

E. Not exclusive. Adherence to this section does not relieve the owner of any applicable obligations set forth in this code, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

§ 169-76 Security requirements.

A. Properties subject to this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. A secure manner shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child or adult to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or boarding.

C. The local property manager shall inspect the vacant or abandoned property on a biweekly basis to ensure that the property is in compliance with this article. Upon the request of the City of Somers Point Code Enforcement Officer or his designee, the local property manager shall provide a copy of the inspection reports to the Code Enforcement Officer.

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D. Failure of the owner or local property manager to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this article and shall result in the issuance of a notice of violation by the Code Enforcement Officer or his or her designee.

(1) Pursuant to a finding and determination by the Code Enforcement Officer or his or her designee that any property is in violation of any City ordinances or other applicable codes or regulations, the City of Somers Point City Administrator or his designee may take the necessary action to ensure compliance with this section, and place a lien(s) on the property and assign it as provided elsewhere herein.

§ 169-77 Additional authority; penalty.

A. The Code Enforcement Officer or Somers Point police officer, or other designee or authorized representative, shall have authority to require the owner of any property affected by this article to implement additional maintenance and/or security measures, including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.

B. Whoever interferes with, obstructs, or resists any enforcement officer or any person authorized by the enforcement officer in the discharge of duties as provided in this article shall be punishable as provided in this article, by any applicable code, or as determined by a court of competent jurisdiction.

§ 169-78 Inspections.

The enforcement authority shall have the authority and the duty to inspect properties subject to this article for compliance and to issue summonses for any violations.

§ 169-79 Violations and penalties.

A Failure to initially register with the enforcement authority is punishable by a fine of \$500.

B. Failure to report any change of information contained in the registration within 10 calendar days of the change is punishable by a fine of \$500 for each day after the expiration of the 10th calendar day continuing through to the day prior to the date on which the information shall have been supplied.

C. Failure of an in-state creditor to identify the name of the individual or property management company is punishable by a fine of \$500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

D. An out-of-state creditor found by the municipal court of the City of Somers Point, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent pursuant to this article shall be subject to a fine of \$2,500 for

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each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) for providing notice to the municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

E. A creditor found by the municipal court of the City of Somers Point, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

(1) In addition to the fine set forth above, the creditor shall be responsible for the costs associated with the cleanup, including, but not limited to, tipping fees and overtime for use of personnel and equipment which shall constitute a lien on the property.

F. Where the property is vacant or shows evidence of vacancy, and foreclosure proceedings have not been initiated, the failure of an owner or creditor to file a registration within the required ten-day period following the enforcement authority's first notice of violations or summons for improper maintenance is punishable by a fine of \$500 per day which shall commence on the day after the ten-day period set forth in § 169-73 has expired.

G. Failure to renew a Vacant property registration with the enforcement authority is punishable by a fine of not less than \$500 nor greater than \$2,000 per occurrence. Each day during which the registration was not renewed following its expiration shall be deemed a separate occurrence.

H. As required by N.J.S.A. 48-2.12s, no less than 20% of any money collected pursuant to this section shall be utilized by the municipality for municipal code enforcement purposes.

I. In all cases where, after expiration of the notice and opportunity to comply with any of the requirements set forth in § 169-75, such condition is corrected by the City by or under the direction of the Department of Public Works or by a contractor retained by the City, including, but not limited to, mowing, removal of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris removed from any lands or property, the Director of Public Works or Contractor, as the case may be, shall certify the cost thereof to the City Administrator who shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said lands.

(1) The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands,

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the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

J. Nothing contained herein shall prevent the Department of Public Works, in a case of an unregistered or delinquent registered owner, from cleaning up the property on an as-needed basis and imposing a lien against the property for costs associated for cleanup as set forth in this section.

K. Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the City Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14 and this Code.

§ 169-80 Implementation and compliance.

Upon the effective date of the ordinance from which this article derives, any existing vacant or foreclosing properties shall have 30 days to comply with the provisions of this article.

§ 169-81 Supplemental provisions.

Nothing contained in this article shall prohibit the City of Somers Point from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by the Somers Point Municipal Code or applicable law.

§ 169-82 Registration fees and penalties amendment requirement.

The registration fees and penalties contained in this Article and the provisions set forth herein may be amended only by an ordinance adopted by the Somers Point City Council.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on after final passage and publication as provided by law.

Ordinance No. 21 of 2022

M/S- Dill/McCarrie

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

(First Reading/Introduction)

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**AN ORDINANCE AMENDING SECTION 174-6, CERTIFICATION OF
NEW BUSINESSES, OF CHAPTER 174 - MERCANTILE LICENSES
OF THE CITY CODE.**

WHEREAS, the City Code in Chapter 174 requires certain businesses to have a mercantile license; and

WHEREAS, Section 174-6 of said Chapter imposes certain inspection requirements upon those businesses making application for a mercantile license; and

WHEREAS, said inspection requirements are for public safety of a patrons of those businesses; and

WHEREAS, Section 174-6 currently has no requirements for a fire inspection prior to a business being issued a mercantile license; and

WHEREAS, the Construction Official of Somers Point has recommended, for safety purposes, the inclusion of a fire inspection in Section 174-6 of the City Code: and

WHEREAS, based on the foregoing public safety issue. the City Council of Somers Point wishes to include such a requirement in Section 174-6.

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

1. Section 174-6 of the City Code shall be amended to include the term “Fire Inspector” between “Building Inspector” and “Electrical Inspector.”
2. Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
4. This amended ordinance shall take effect upon its final passage and publication as required by law.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

The ordinance was adopted by a unanimous vote of those present.
(First Reading/Introduction)

No. 22 of 2022

**AN ORDINANCE VACATING A PORTION OF LOVELAND LANE A/K/A PHILMONT
AVENUE IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY**

WHEREAS N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, during a regularly scheduled public meeting held on July 21, 2022, a presentation was made by Tim Maguire, Esq. to the Somers Point City Council on behalf of 901 Mays Landing Road, LLC, the owners of the Greate Bay Country Club, requesting vacation of a portion of Loveland Avenue within Block 1946 in the City of Somers Point; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. The portion of Loveland Avenue described below is a "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of a public right of way (the "Area to be Vacated").
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights, and interests in and to same shall be vacated, released ,and extinguished.
5. The City Engineer has confirmed that the right – of - way proposed to be vacated is twenty feet (20') in width.
6. The property abutting the Area to be Vacated to which the title to the right – of – way will revert upon vacation is a portion of Block 1946, Lot 1 which is currently owned by a single entity.

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:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

SECTION 1. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

BEGINNING at the point on the easterly line of Loveland Avenue (60 feet wide) where it is intersected by the northeasterly line of Somers Point – Mays Landing Road; and extending thence

- 1) North 70 degrees 20 minutes and 02 seconds West along the Somers Point – Mays Landing Road 60.00 feet to the westerly line of Loveland Ave.; thence
- 2) North 19 degrees 39 minutes and 58 seconds East along the westerly line of Loveland Ave. 116.00 feet to the northerly line of Loveland Ave., said line being the southerly boundary of Lot 1 in Block 1946; thence
- 3) South 70 degrees 20 minutes and 02 seconds East along said line 60.00 feet to the easterly line of Loveland Ave.; thence
- 4) South 19 degrees 39 minutes and 58 seconds West along the easterly line of Loveland Ave. 116.00 feet to the point and place of BEGINNING.

Containing 6,960 sf. (0.160 ac.)

This description is written in accordance with a Parcel Map dated June 06, 2022, prepared by Duffy Dolcy McManus & Roesch, and signed by William P. McManus Professional Land Surveyor, Lic. No. 31660

BEING DESIGNATED AS a portion of Loveland Avenue A/K/A Philmont Avenue on the Official Tax Map of Somers Point, New Jersey.

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by certified mail / RRR by the City Clerk to the record owner of:

Block 1946, Lot 1
901 Mays Landing Road
901 Mays Landing Road, LLC
3603 ATL-BRIGANTINE #8
Brigantine, NJ 08203

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER

All fees and costs associated with preparation and publication of this ordinance shall be paid by the beneficial owner to which title will revert upon vacation. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Chief Financial Officer.

SECTION 5. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Resolutions:

Clerk Samuelson read by title only the list of resolutions.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson of Marks Road had questions regarding Resolution 179 of 2022.

Charles Falkenstein 41 Greate Bay Drive also commented on Resolution 179 of 2022.

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

Resolution No. 169 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 169 of 2022

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF SPECIAL COAH / REDEVELOPMENT COUNSEL RE
REDEVELOPMENT / REHABILITATION OF SOMERS POINT
APARTMENTS AND NEGOTIATION OF THE TERMS AND CONDITIONS
OF A FINANCIAL (PILOT) AGREEMENT**

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 Special COAH / REDEVELOPMENT Counsel 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 8, 2022, 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

**REGULAR MEETING
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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.

“(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 legal and procedural issues pertaining to redevelopment / rehabilitation of Block 2032, Lots 12.02 and 12.03, including the negotiation of the terms and conditions of a Financial Agreement for a long-term payment in lieu of taxes (PILOT).

WHEREAS the length of the Executive Session is estimated to be approximately 30 – 45 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	Action by City Council.

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Resolution No. 170 of 2022

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 170 of 2022

Subject: A Resolution Approving a First Amendment to a January 1, 2016 Shared Services Agreement Between the City of Somers Point and the Atlantic County Improvement Authority Regarding Mortgagee Property Registration of Abandoned Properties and Properties In Foreclosure Mortgagee Property and Enforcement

Introduced by: Council President Johnston

Whereas The City of Somers Point ("City") and the Atlantic County Improvement Authority ("Authority") entered into a Shared Services Agreement to address the foreclosure crisis, to establish a mortgage registration program for abandoned properties subject to foreclosure, and to assist local code enforcement in identifying the parties responsible to maintain such properties; and

Whereas in January 2021 Governor Murphy signed into law Assembly Bill 2877 amending NJS 40:48- 2 and NJS 2A:50-73 which, among other things, authorized a county or county improvement authority to contract with a private entity to assist in the administration of a property registration program and further affirmed the authority of a county improvement authority to enter into county-wide shared service agreements under the Uniform Shared Services and Consolidation Act; and

Whereas the City Council has determined it is in the best interest of the City and our taxpayers to continue the Shared Services Agreement ("SSA") between the City and the Authority; and

Whereas certain amendments must be made to the SSA to reflect changes in the law.

Now, therefore, it is hereby **RESOLVED** by the Somers Point City Council that the Mayor is hereby authorized to execute and deliver a First amendment to the Shared Services Agreement in the form attached hereto, a copy of which is on file in the office of the City Clerk.

Resolution No. 179 of 2022

M/S-Dill/Owen

TABLED

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Council President Johnston mentioned she believes the City should continue the current contract that expires on 5/26/23. She believes that solutions could be made for any issues that have arisen.

Council Member McGuigan mentioned that while he respects the democracy and decision of City Council, he continues to be opposed to this matter.

Council Member McCarrie mentioned it would be beneficial to analyze the matter further before making any final decisions.

Council Member Dill mentioned he received many complaints about this ordinance. He stated he will vote in favor of this resolution but would consider a parking plan in the future.

Council Member DePamphilis mentioned he also received complaints about the paid parking. He does not think the outcome of revenue collected was what was expected.

On the motion of Council Member McCarrie, seconded by Council Member DePamphilis and carried to approve to table Resolution No. 179 of 2022.

Roll Call Vote to Table as follows:

Bruno: Yes
DePamphilis: Yes
Dill: No
McCarrie: Yes
McGuigan: No
Owen: Yes
Johnston: Yes

Council Member Dill requested a timeline to act on this matter within the time restraints of the contract. He also mentioned that if the contract is continued that it is generating money and being enforced properly.

Council President Johnston referred the matter to the Parking Committee for a recommendation to be made before the end of the year.

**No. 179 of 2022
TABLED**

Subject: A Resolution Authorizing the City Administrator to Effectuate the Termination of the City of Somers Point's Agreement with ParkMobile, LLC.

Introduced by:

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WHEREAS, on April 22, 2021, City Council passed Ordinance No. 7 of 2021, establishing requirements for the use of the municipal parking lots and imposing parking fees; and

WHEREAS, in connection with said Ordinance, City Council passed Resolution No. 83-2021, which authorized the City to enter into an agreement with ParkMobile, LLC, for Contract #05-50, Integrated Parking Management System, which provided for the collection of said parking fees; and

WHEREAS, aforesaid agreement provided for an initial term of one (1) year, same be effective as of May 25, 2021, and two subsequent one (1) year terms; same to automatically renew provided neither party gives written notice to the other at least sixty (60) days prior to the expiration of the initial or renewal term of its intent not to renew the agreement; and

WHEREAS, City Council does not wish to renew the contract at the termination of its current term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the City Administrator, Jason Frost, is hereby authorized and directed to provide written notice to ParkMobile, LLC, that the City does not intend to renew its agreement with it at the end of the current term.

Resolution No. 180 of 2022

M/S- McCarrie/Dill

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

No. 180 of 2022

Subject: Resolution Providing for the Combination of Certain Issues of General Obligation Bonds or Notes of the City of Somers Point, in the County of Atlantic, New Jersey, Into a Single Issue of General Obligation Bonds, Series 2022, in the Aggregate Principal Amount of \$9,945,000, Consisting of \$6,355,000 General Improvement Bonds and \$3,590,000 Sewer Utility Bonds

Introduced By: Council President Johnston and Council Member Dill and McGuigan

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

REGULAR MEETING MAYOR AND CITY COUNCIL September 8, 2022

SECTION 1. Pursuant to the provisions of N.J.S.A. 40A:2-26, the Bonds or Notes of the City of Somers Point, in the County of Atlantic, New Jersey (the "City") authorized pursuant to the bond ordinances of the City heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Obligation Bonds, Series 2022, in the aggregate principal amount of \$9,945,000, consisting of \$6,355,000 General Improvement Bonds, Series 2022 (the "General Improvement Bonds"), and \$3,590,000 Sewer Utility Bonds, Series 2022 (the "Utility Bonds", and together with the General Improvement Bonds being collectively referred to as the "Bonds").

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

Ordinance No., Description of Improvement & Date of <u>Adoption</u>	Original Appropriation and Estimated <u>Costs</u>	Principal Amount Of General Obligation <u>Bonds</u>	<u>Estimated Useful Life</u>
Bond Ordinance No. 3 of 2020, providing for various capital improvements, including purchase of various equipment and vehicles for Fire Department, Public Works Department, Police Department and Recreation Department, various improvements to municipal facilities and various municipal roadway improvements, finally adopted on June 11, 2020.	\$2,900,000	\$2,500,000	11.86 years
Bond Ordinance No. 4 of 2020, providing for purchase of replacements, improvements and renovations to various pump stations, mains, and other system components, purchase of a bypass pump and an influent grinder and GIS mapping of the sewer, finally adopted on June 11, 2020.	\$1,075,000	\$1,000,000	35.79 years

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Bond Ordinance No. 9 of 2021, providing for purchase of Fire Department public safety equipment, purchase of equipment for Public Works Department and Police Department, improvements to various municipal facilities, purchase of computers, radios, and software upgrades for the Office of Emergency Management, improvements to various recreational facilities in the City and various Municipal Roadway Improvements, finally adopted on June 24, 2021.

\$1,857,500 \$1,764,000 10.05 years

Bond Ordinance No. 10 of 2021, providing for replacements, improvements and renovations to various pump stations, mains, and other system components and GIS mapping of the sewer system, finally adopted on June 24, 2021.

\$1,321,750 \$1,321,000 38.28 years

Bond Ordinance No. 12 of 2022, providing for purchase of Fire Department public safety equipment, purchase of a Beach Groomer, Pick-Up Truck and Salt Truck for the Public Works Department, purchase of Police Department public safety equipment, improvements to municipal facilities, purchase of computers and software upgrades for the Tax Collection Office and various Municipal Roadway Improvements, finally adopted on June 23, 2022.

\$3,055,000 \$2,091,000 10.46 years

Bond Ordinance No. 13 of 2022, providing for replacements, improvements and renovations to various pump stations, mains, and other system components, finally adopted on June 23, 2022.

\$1,458,000 \$1,269,000 40.00 years

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

- (1) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not less than 10.90 years for the General Improvement Bonds portion and 38.11 years for the Sewer Utility Bonds portion.
- (2) The Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2022", and shall mature within the average period of usefulness herein determined.
- (3) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law of the State of New Jersey (N.J.S.A. 40A:2-1, et seq.) (the "Local Bond Law") applicable to the sale and the issuance of bonds authorized by a single bond resolution, and accordingly may be sold with other issues of bonds.
- (4) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.
- (5) The supplemental debt statements required by the Local Bond Law in connection with the respective bond ordinances described in Section 2 hereof were duly made and filed in the office of the City Clerk and complete executed duplicates thereof were filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statements showed that the gross debt of the City as defined in the Local Bond Law increased by the authorization of the bonds provided for in such prior Bond Ordinances by \$11,276,815, and the said obligations authorized by such bond ordinances were within all debt limitations prescribed by the Local Bond Law.
- (6) The amount of the proceeds of the obligations authorized by this Resolution include interest on obligations authorized to finance said purposes, costs of issuing said obligations, accounting, engineering, and inspection costs, legal expenses and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law.

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

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

SECTION 6. This Resolution shall take effect immediately.

The foregoing Resolution was adopted by the following vote:

Recorded Vote

AYE NO ABSTAIN ABSENT

Resolution No. 181 of 2022

M/S- Dill/McCarrie

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

No. 181 of 2022

Subject: Resolution Determining the Form and Other Details of \$9,945,000 General Obligation Bonds, Series 2022, Consisting of \$6,355,000 General Improvement Bonds and \$3,590,000 Sewer Utility Bonds of the City of Somers Point, in the County of Atlantic, New Jersey and Providing for their Sale

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

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

Section 1. Amount of General Obligation Bonds. The \$9,945,000* General Obligation Bonds, Series 2022, of the City of Somers Point, in the County of Atlantic, New Jersey (the "City"), referred to and described in the resolution adopted by the City Council

* Preliminary, subject to change

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022**

pursuant to the Local Bond Law of the State of New Jersey on September 8, 2022, and entitled "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OR NOTES OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL OBLIGATION BONDS, SERIES 2022, IN AGGREGATE PRINCIPAL AMOUNT OF \$9,945,000, CONSISTING OF \$6,355,000 GENERAL IMPROVEMENT BONDS AND \$3,590,000 SEWER UTILITY BONDS" are hereby authorized to be issued in accordance with this Resolution as hereinafter described (the "**Bonds**"). The maturities of the Bonds shall be on October 15th in each of the years and principal amounts as follows:

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Sewer Utility Bonds*</u>	<u>Combined Maturities*</u>
2023	\$515,000	\$200,000	\$715,000
2024	\$540,000	\$230,000	\$770,000
2025	\$580,000	\$250,000	\$830,000
2026	\$610,000	\$270,000	\$880,000
2027	\$640,000	\$280,000	\$920,000
2028	\$670,000	\$300,000	\$970,000
2029	\$680,000	\$300,000	\$980,000
2030	\$710,000	\$310,000	\$1,020,000
2031	\$710,000	\$330,000	\$1,040,000
2032	\$700,000	\$350,000	\$1,050,000
2033		\$370,000	\$370,000
2034		\$400,000	\$400,000

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

Section 2. Terms of Bonds. The Bonds will be issued in fully registered form. The Bonds will be initially issued in book entry form only in the form of one certificate for the principal amount maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("**DTC**"), which is hereby appointed to act as securities depository for the Bonds. The Bonds will be dated the date of delivery and will bear interest payable semiannually on the fifteenth (15th) day of April and October in each year until maturity or prior redemption, commencing on April 15, 2023. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made either by the City directly to DTC or its nominee, Cede & Co., or by a paying agent selected by the Chief Financial Officer (the "**Paying Agent**") who shall make such payments on behalf of the City to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on the Bonds to the participants of DTC. The record dates for payment of the interest on the Bonds shall be **April 1 and October 1** next preceding the interest payment dates (the "**Record Dates**"). The registration books of

**REGULAR MEETING
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the City shall be kept by the Chief Financial Officer or by the Paying Agent on behalf of the City. The interest rate on the Bonds shall be at a rate per annum, expressed in a multiple of 1/8 or 1/20 of 1% as proposed by the successful bidder or bidders in accordance with the Notice of Sale authorized herein.

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

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

Date of Bonds:	Date of Delivery
Interest Payment Dates:	April 15, 2023, and each October 15 and April 15 thereafter until maturity or prior redemption, with payment initially being made to DTC, or its authorized nominee, by the City or the Paying Agent on behalf of the City.
Bond Registrar/Paying Agent:	The City or any bank or trust company selected by the City or Chief Financial Officer.
Securities Depository:	DTC
Authorized Denominations:	\$5,000 or any integral multiple thereof, except where necessary, also in the amount of \$1000.

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

No. GO _____ \$ _____

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF ATLANTIC
CITY OF SOMERS POINT
GENERAL IMPROVEMENT BONDS, SERIES 2022**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 8, 2022
AND
SEWER UTILITY BONDS, SERIES 2022**

DATE OF ORIGINAL ISSUE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
October __, 2022	October 15, 20__	_____ %	_____

THE CITY OF SOMERS POINT IN THE COUNTY OF ATLANTIC, NEW JERSEY (the "City"), a municipal corporation of the State of New Jersey, hereby acknowledges itself indebted and for value received promises to pay to Cede & Co., or its registered assigns, on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of _____ Dollars (\$_____), and to pay interest on such sum from the Date of Original Issue stated above until the Maturity Date specified above at the Rate of Interest Per Annum specified above, payable semiannually on the fifteenth (15th) day of April and October in each year, commencing on April 15, 2023. As long as The Depository Trust Company, New York, New York ("DTC") or its nominee, Cede & Co., is the registered owner of this bond, payments of the principal of and interest on this bond will be made by the City directly, or by a paying agent selected by the Chief Financial Officer (the "Paying Agent"), to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on this bond to the participants of DTC. The record dates for payment of interest on this bond shall be April 1 and October 1 next preceding the interest payment dates (the "Record Dates"). Both the principal of and the interest on this bond are payable in lawful money of the United States of America.

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

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey; a resolution of the City adopted on September 8, 2022, and entitled "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OR NOTES OF THE CITY OF SOMERS POINT, IN THE COUNTY

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OF ATLANTIC, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL OBLIGATION BONDS, SERIES 2022, IN AGGREGATE PRINCIPAL AMOUNT OF \$9,945,000, CONSISTING OF \$6,355,000 GENERAL IMPROVEMENT BONDS AND \$3,590,000 SEWER UTILITY BONDS” and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law; and a resolution of the City adopted September 8, 2022, and entitled “RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$9,945,000 GENERAL OBLIGATION BONDS, SERIES 2022, CONSISTING OF \$6,355,000 GENERAL IMPROVEMENT BONDS AND \$3,590,000 SEWER UTILITY BONDS OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY AND PROVIDING FOR THEIR SALE”.

The Bonds of this issue maturing before October 15, 2030, are not redeemable prior to maturity. The Bonds maturing on October 15, 2030, and thereafter, are redeemable at the option of the City, in whole or in part, on or after October 15, 2029, upon notice as required herein at par (the “**Redemption Price**”), plus in each case accrued interest to the date fixed for redemption.

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

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

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

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

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

[SEAL]

CITY OF SOMERS POINT

By: _____
John L. Glasser, Mayor

ATTEST

By: _____
Lucy R. Samuelsen, RMC, CMC
City Clerk

By: _____
Shana Kestrel, Chief Financial Officer

ASSIGNMENT

FOR VALUE RECEIVED _____
hereby assigns to _____

(Please Print or Type Name and Address of Assignee)

the within bond and irrevocably appoints _____ as Attorney, to transfer this bond on the registration books of the City, with full power of substitution and revocation.

NOTICE: The signature on this assignment must correspond with the name as it appears on the face of the within bond in every particular

Dated:

Signature Guarantee:

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Section 4. Sale of Bonds. The Bonds shall be sold, as hereinafter provided, in accordance with the provisions of the Local Bond Law. The Bonds shall be sold by electronic auction via BIDCOMP/PARITY Competitive Bidding System (“**PARITY**”) only on **Wednesday, October 5, 2022 (or such alternative date of sale as shall be determined by the Chief Financial Officer in consultation with Bond Counsel and the Municipal Advisor to allow closing to occur on or before October 19, 2022)**, in accordance with the Notice of Sale authorized herein. The Notice of Sale shall be posted in full on MuniHub’s Website (“www.munihub.com”). The City Clerk is hereby directed to arrange for the publication of the Notice of Sale (or summary thereof) in the form provided herein, such publication to be not less than seven (7) days prior to the date of sale, in The Press of Atlantic City, a newspaper published in the County of Atlantic and circulating in the City (there being no newspaper published and circulating in the City), and The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York. Pursuant to N.J.S.A. 40A:2-34, the City hereby designates the Chief Financial Officer as financial officer to sell and to award the Bonds in accordance with the Notices of Sale authorized herein, and such financial officer shall report in writing to the City Council of the City at the next meeting thereof following such award as to the principal amount, interest rate, and maturities of the Bonds sold, the price obtained and the name of purchaser.

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

**NOTICE OF SALE
\$9,945,000* GENERAL OBLIGATION BONDS, SERIES 2022
CONSISTING OF
\$6,355,000* GENERAL IMPROVEMENT BONDS
AND
\$3,590,000* SEWER UTILITY BONDS
OF THE CITY OF SOMERS POINT
COUNTY OF ATLANTIC, NEW JERSEY
(BOOK-ENTRY ONLY) (CALLABLE) (BANK QUALIFIED)**

NOTICE IS HEREBY GIVEN that electronic sealed bids (as described herein) will be received by The City of Somers Point in the County of Atlantic, New Jersey (the “**City**”), for the purchase of \$9,945,000* original principal amount of the City’s General Obligation Bonds, Series 2022, consisting of \$6,355,000* General Improvement Bonds and \$3,590,000* Sewer Utility Bonds (the “**Bonds**”), on **Wednesday, October 5, 2022** (the “**Bid Date**”) until 11:00 a.m., New Jersey time (the “**Bid Time**”), at which time the bids will be announced.

* Preliminary, subject to change

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Bidders are required to submit their Proposal for the purchase of the Bonds in accordance with the terms of the Notice of Sale.

The Bonds

The Bonds will be dated the date of delivery and shall mature on October 15th of each year until maturity, or earlier redemption, in the maturity amounts as hereinafter shown.

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Sewer Utility Bonds*</u>	<u>Combined Maturities*</u>
2023	\$515,000	\$200,000	\$715,000
2024	\$540,000	\$230,000	\$770,000
2025	\$580,000	\$250,000	\$830,000
2026	\$610,000	\$270,000	\$880,000
2027	\$640,000	\$280,000	\$920,000
2028	\$670,000	\$300,000	\$970,000
2029	\$680,000	\$300,000	\$980,000
2030	\$710,000	\$310,000	\$1,020,000
2031	\$710,000	\$330,000	\$1,040,000
2032	\$700,000	\$350,000	\$1,050,000
2033		\$370,000	\$370,000
2034		\$400,000	\$400,000

Interest Payment Dates

The Bonds will be dated the date of delivery (which is expected to be October 19, 2022) and will bear interest at the rate per annum specified by the Successful Bidder therefore in accordance herewith, payable initially on April 15, 2023, and semiannually thereafter on the fifteenth (15th) day of October and April in each year until maturity or prior redemption.

Term Bond Option

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

Adjustment of Maturities

The City may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed ten percent (10%) upward or downward of the principal for any maturity of the Bonds as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate

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principal amount of the Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$9,945,000. The dollar amount bid by the Successful Bidder (as defined herein) shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the bid, and the initial public offering prices required to be delivered to the City, as stated herein.

Redemption Provisions

The Bonds of this issue maturing before October 15, 2030, are not redeemable prior to maturity. The Bonds maturing on October 15, 2030, and thereafter, are redeemable at the option of the City, in whole or in part, on or after October 15, 2029, upon notice as required herein at par (the "**Redemption Price**"), plus in each case accrued interest to the date fixed for redemption.

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

Book-Entry-Only System

As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC, which will credit payments of principal of and interest on the Bonds to the DTC participants as listed in the records of DTC as of each next preceding April 1 and October 1, respectively (the "**Record Dates**" for payment of interest on the Bonds), which participants will in turn credit such payments to the beneficial owners of the Bonds.

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

Individual purchases of beneficial ownership interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or integral multiples of \$1,000 in excess thereof. It shall be the obligation of the Successful Bidder to furnish to DTC an underwriter’s questionnaire and the denomination of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

In the event that either DTC determines not to continue to act as securities depository for the Bonds or the City determines that the beneficial owners of the Bonds be able to obtain bond certificates, the City will appoint a paying agent and will issue and deliver replacement Bonds in the form of fully registered certificates.

Electronic Bidding Procedures

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

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

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

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

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

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

Bid Specifications

Each Proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for and the rate or rates named must be multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one per centum (1.0%). Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the rates that may be named. **If more than one rate of interest is named, the difference between highest and lowest rate may not exceed two percent (2%) per annum and not more than one rate of interest may be named for the Bonds of the same maturity.** The purchase price specified in the Proposal must be not less than 100% of the aggregate par value of the Bonds nor more than 110% of such aggregate par value of the Bonds which is equal to \$10,939,500 (representing the par amount of the Bonds plus a bid premium of \$994,500) (the "**Max Bid Price**").

Subject to the Bid requirements described herein, each Proposal for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$9,945,000. A Bidder must submit a conforming Proposal for the entire issue, and if such Proposal is

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accepted by the City, the Bidder will be required to purchase the entire issue in accordance with such Proposal.

Award, Delivery and Payment

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by determining the interest rate, compounded semiannually, necessary to discount the principal and interest payments on the Bonds to the date of delivery of the Bonds and to the price bid which shall not exceed the Max Bid Price. No Proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a true interest cost higher than the lowest true interest cost to the City under any legally acceptable proposal. If two or more such bidders offer to pay the lowest true interest cost, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders. The bidder to which the Bonds are awarded (in the manner specified above) is herein referred to as the **"Successful Bidder"**.

It is expected that delivery of the Bonds to DTC and payment for the Bonds will take place on or about October 19, 2022, at the offices of Fleishman Daniels Law Offices, LLC, bond counsel to the City ("**Bond Counsel**"), in Linwood, New Jersey, or at such other place as may be agreed upon with the Successful Bidder. The Bonds will be delivered to DTC in single denominations for each combined maturity. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

Change of Bid Date and Closing Date

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

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

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New Jersey time, not less than forty-eight (48) hours prior to such alternative date for receipt of bids.

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

Right To Reject Bids; Waive Irregularities

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

Good Faith Deposit

A good faith deposit (the “**Deposit**”), in the form of a financial surety bond, if available (the “**Financial Surety Bond**”), wire transfer, or certified or cashier’s or treasurer’s check in the amount of **\$198,900** is required for each bid for the Bonds to be considered. **Wire instructions may be obtained by contacting Anthony P. Inverso of Phoenix Advisors, LLC (the “Municipal Advisor”) at (609) 291-0130.** The Financial Surety Bond, if available, must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the “**Director**”). **The Deposit must be submitted to the City prior to 10:30 a.m. New Jersey time on the date for receipt of bids and must be in the form described above.** A Financial Surety Bond must identify the bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Successful Bidder satisfies the Deposit via a Financial Surety Bond, the Successful Bidder for the Bonds is required to submit its Deposit to the City in the form of a wire transfer not later than 3:00 p.m. New Jersey time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement. The Deposit of the Successful Bidder will be collected, and the proceeds thereof retained by the City to be applied in partial payment for the Bonds and no interest will be allowed or paid upon the amount thereof, but in the event the Successful Bidder shall fail to comply with the terms of its respective bid, the proceeds thereof will be retained as and for full liquidated damages. Award of the Bonds to the Successful Bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such Successful Bidder may not withdraw its Proposal for Bonds until after 5:00 p.m. of the day of such bid-opening and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the City on or about October 19, 2022.

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Bond Insurance

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

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the Successful Bidder to accept delivery of and pay for the Bonds. The request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge therefor shall be the responsibility of, and shall be paid for by, the Successful Bidder. **There will be one (1) CUSIP number for the combined amount of each maturity.**

Establishment of Issue Price

(Hold-The-Offering-Price May Apply if Competitive Sale Requirements are Not Satisfied)

1. Unless a bidder is purchasing the Bonds for its own account and not with a view to distribution or resale to the Public, the Successful Bidder shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at Closing an **“issue price”** or similar certificate, setting forth the reasonably expected initial offering price to the Public or the sales price or prices of the Bonds, together with supporting pricing wires or equivalent communications, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Successful Bidder, the City and Bond Counsel to the City. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the City by the City’s Municipal Advisor identified herein and any notice or report to be provided to the City may be provided to the City’s Municipal Advisor.

2. The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (the **“Regulation”**) (defining **“competitive sale”** for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the **“Competitive Sale Requirements”**) because: (a) the City shall disseminate this Notice of Sale to potential Underwriters in a manner that is reasonably designed to reach potential Underwriters; (b) all Bidders shall have an equal opportunity to bid; (c) the City may receive bids from at least three (3) Underwriters of municipal bonds who have established industry reputations

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for underwriting new issuances of municipal bonds; and (d) the City anticipates awarding the sale of the Bonds to the Bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. By submitting a bid, bidders are deemed to have certified that they have an established industry reputation as a regular purchaser or Underwriter of tax-exempt obligations such as the Bonds. Capitalized terms, not otherwise defined in this section, shall have the meanings ascribed thereto in the Regulation.

3. In the event that the Competitive Sale Requirements are not satisfied, the City shall so advise the Successful Bidder. The City may determine to treat (i) the first price at which 10% of a Maturity of the Bonds (the “**10% Test**”) is sold to the Public as the issue price of that Maturity, and/or (ii) the initial offering price to the Public as of the Sale Date of the Bonds as the issue price of the Bonds (the “**hold-the-offering-price rule**”), in each case applied on a Maturity-by-Maturity basis (and if different interest rates apply within a Maturity, to each separate CUSIP number within that Maturity). Immediately following the award of the Bonds, the Successful Bidder shall advise the City if any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the Bonds. Any Maturity (and if different interest rates apply within a Maturity, any separate CUSIP number within that Maturity) of the Bonds as to which the Successful Bidder has not so advised the City that the 10% Test has been satisfied shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the hold-the-offering-price rule applies to any Maturity of the Bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

4. By submitting a bid, each bidder shall (i) confirm that the Underwriters have offered or will offer the Bonds to the Public on or before the date of award at the offering price or prices (the “**Initial Offering Price**”), or at the corresponding yield or yields, set forth in the bid submitted by such bidder and (ii) agree, on behalf of the Underwriters participating in the purchase of the Bonds, that the Underwriters will neither offer nor sell unsold Bonds to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the Initial Offering price to the Public during the period starting on the Sale Date and ending on the earlier of the following:

- a. The close of the fifth (5th) business day after the sale date; or
- b. The date on which the Underwriters have sold at least 10% of that Maturity of the Bonds to the Public at a price that is no higher than the Initial Offering Price to the Public.

The Successful Bidder shall promptly advise the City when the Underwriters have sold 10% of each maturity of the Bonds to the Public at a price that is no higher than the

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Initial Offering Price to the Public, if that occurs prior to the close of the fifth (5th) business day after the Sale Date.

5. If the City shall determine to use the 10% Test, then until the 10% Test has been satisfied as to the Bonds, the Successful Bidder agrees to promptly report to the City the prices at which the unsold Bonds have been sold to the Public. That reporting obligation shall continue, whether or not the Closing has occurred, until the 10% Test has been satisfied as to the Bonds. If the 10% Test is not met by the Closing, a supplemental issue price certificate must be provided.

6. By submitting a bid, each bidder confirms that: (a) any agreement among Underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the Public, together with the related pricing wires, contains or will contain language obligating each Underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (i) report the prices at which it sells to the Public and the unsold Bonds allotted to it until it is notified by the Successful Bidder that either the 10% Test has been satisfied as to the Bonds and (ii) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Successful Bidder and as set forth in the related pricing wires, and (b) any agreement among Underwriters relating to the initial sale of the Bonds to the Public, together with the related pricing wires, contains or will contain language obligating each Underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the Public to require each broker-dealer that is a party to such retail distribution agreement to (i) report the prices at which it sells to the Public the unsold Bonds allotted to it until it is notified by the Successful Bidder or such Underwriter that either the 10% Test has been satisfied as to the Bonds or all of the Bonds have been sold to the Public and (ii) comply with the hold-the-offering-price rule, if applicable, in each case if and for so as long as directed by the Successful Bidder or such Underwriter and as set forth in the related pricing wires.

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

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(ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

Legal Opinions

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

Section 265 Qualification

The Bonds **will be** designated as qualified under Section 265 of the Internal Revenue Code of 1986, as amended, by the City for an exemption from the denial of deduction for interest paid by financial institutions to purchase or to carry tax-exempt obligations.

Preliminary Official Statement

The City has prepared a Preliminary Official Statement for the Bonds which is dated **September 28, 2022**, which is deemed final as of its date for purposes of SEC Rule 15c2-12(b)(1), except for omissions permitted thereby, but is subject to revision or amendment. The Preliminary Official Statement will be posted on the internet and can be downloaded at www.munihub.com. The Successful Bidder will be furnished with a reasonable number of copies of the final Official Statement at the City's expense. Additional copies may be obtained by the Successful Bidder at its own expense by arrangement with the City's Municipal Advisor. The copies of the final Official Statement will be made available to the Successful Bidder not later than seven (7) business days after the bid opening.

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

Continuing Disclosure

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

For more information regarding the Bonds and the City, reference is made to the Preliminary Official Statement dated September 28, 2022. Bid forms and copies of the Preliminary Official Statement may be obtained from www.munihub.com or from the City's Municipal Advisor, Anthony P. Inverso of Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505, (609) 291-0130.

The City of Somers Point,
in the County of Atlantic, New Jersey

Dated: September 28, 2022

By: _____
Shana Kestrel, Chief Financial Officer

SUMMARY NOTICE OF SALE

**NOTICE OF SALE
\$9,945,000* GENERAL OBLIGATION BONDS, SERIES 2022
CONSISTING OF
\$6,355,000* GENERAL IMPROVEMENT BONDS
AND
\$3,590,000* SEWER UTILITY BONDS
OF THE CITY OF SOMERS POINT
COUNTY OF ATLANTIC, NEW JERSEY
(BOOK-ENTRY ONLY) (CALLABLE) (BANK QUALIFIED)**

PROPOSALS will be received electronically via the Parity Electronic Bid System ("PARITY®"), subject to the provisions of the official Notice of Sale dated **Wednesday, September 28, 2022** (the "Notice of Sale").

NOTICE IS HEREBY GIVEN that proposals (the "**Proposal for Bonds**") will be received electronically via "PARITY®" of i-Deal LLC ("i-Deal") in the manner described below under the heading "**Procedures Regarding Electronic Bidding**" until 11:00 a.m., New Jersey time, on **Wednesday, October 5, 2022** (the "**Bid Date**") and then and there publicly opened and considered by the City of Somers Point, Atlantic County, New Jersey (the "**City**") for the purchase of \$9,945,000* original principal amount of the City's General

* Preliminary, subject to change

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Obligation Bonds, Series 2022, consisting of \$6,355,000* General Improvement Bonds, Series 2022 and \$3,590,000* Sewer Utility Bonds, Series 2022 (collectively the “Bonds”).

Sale Date: Wednesday, October 5, 2022

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

Security: General Obligations of the City of Somers Point

Tax Exempt: Yes

Rating: Standard & Poor’s – “Expected”

Bonds Dated: Date of Delivery

Maturities: October 15 in the years and the combined principal amounts set forth below:

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Sewer Utility Bonds*</u>	<u>Combined Maturities*</u>
2023	\$515,000	\$200,000	\$715,000
2024	\$540,000	\$230,000	\$770,000
2025	\$580,000	\$250,000	\$830,000
2026	\$610,000	\$270,000	\$880,000
2027	\$640,000	\$280,000	\$920,000
2028	\$670,000	\$300,000	\$970,000
2029	\$680,000	\$300,000	\$980,000
2030	\$710,000	\$310,000	\$1,020,000
2031	\$710,000	\$330,000	\$1,040,000
2032	\$700,000	\$350,000	\$1,050,000
2033		\$370,000	\$370,000
2034		\$400,000	\$400,000

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

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

FORM: Book-entry-only

INTEREST PAYMENT DATES: April 15 and October 15, commencing April 15, 2023

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- CALL DATE: The Bonds maturing before October 15, 2030 are not redeemable prior to maturity. The Bonds maturing on October 15, 2030, and thereafter, are redeemable at the option of the City, in whole or in part, on or after October 15, 2029 at 100% of the principal amount outstanding.
- MINIMUM BID: \$9,945,000 (Par)
- MAXIMUM BID: \$10,939,500 (Par plus \$994,500)
- BID SECURITY: **Good Faith Certified or Cashier's or Treasurer's Check, wire transfer or Financial Surety Bond must be received by the City by 10:30 a.m. (New Jersey time) prior to bidding in the amount of \$198,900.**
- BASIS OF AWARD: True Interest Cost - Coupons in multiples of 1/8 or 1/20 of 1% (see coupon parameters herein)

BIDDERS MUST REFER TO THE FULL NOTICE OF BOND SALE FOR THE COMPLETE TERMS AND CONDITIONS OF THE SALE

- LEGAL OPINION: Fleishman Daniels Law Offices, LLC, Linwood, New Jersey
- OFFERING STATEMENT: Preliminary Official Statement available at www.munihub.com

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

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

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execute any certificates necessary in connection with the distribution of the Official Statements and the issuance of and sale of the Bonds.

Section 8. Tax Covenant. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 9. Agreement with DTC. The Chief Financial Officer is hereby authorized to enter into an agreement with DTC in customary form setting forth the respective obligations of DTC and the City with respect to the payment and transfer of the Bonds. The City agrees to comply with all obligations set forth in such agreement.

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

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

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

Section 11. Continuing Disclosure Agreement. It is hereby determined that it is necessary and appropriate for the City to execute and deliver a **Continuing Disclosure Certificate** (the “**Disclosure Certificate**”) for the benefit of the holders and Beneficial Owners of the Bonds to enable the successful bidder for the Bonds to comply with the requirements of SEC Rule 15c2-12. The Disclosure Certificate shall be in form and substance acceptable to the City Solicitor and Bond Counsel. The Mayor and the Chief Financial Officer are hereby severally authorized and directed to execute and deliver the Disclosure Agreement in accordance with the requirements of Rule 15c2-12.

Section 12. Adjustment of Maturities. The Chief Financial Officer, the City’s Auditors, Bond Counsel and Municipal Advisor are hereby authorized to adjust the maturity schedule of the Bonds following receipt and opening of the bids, subject to the following conditions: (i) no maturity schedule adjustment shall exceed ten percent (10%)

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upward or downward of the combined principal for any maturity of the Bonds as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate principal amount of the Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$9,945,000. The dollar amount bid by the Successful Bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the bid, and the initial public offering prices required to be delivered to the City, as stated in the Notice of Sale.

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

RECORDED VOTE

AYE NO ABSTAIN ABSENT

Resolution No. 182 of 2022

M/S- McCarrie/Owen

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

Council Member Dill thanked City Engineer for his work on this matter.

No. 182 of 2022

Subject: Change Order – Contract No. 14 Stanford Road Sanitary Sewer Main Replacement

Introduced by: Council Members Dill, Owen and McGuigan

WHEREAS, in accordance with Resolution 95 of 2022, DeMeglio Construction Co. of Atco, N.J., was awarded the contract for the Standord Road Sanitary Sewer Main Replacement project for the sum of \$89,550.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities; and

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

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

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Awarded Contract Amount	\$89,550.00
Corrected Contract Amount	<u>\$86,550.00</u>
Change order 1 (deduct to reflect as-built quantities)	(\$3,208.00)
Revised Contract Amount	\$83,342.00

Total Deduction: \$3,208.00 Total Additional: \$ 0 Net Change: -5.72%

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 Stanford Road Sanitary Sewer Main Replacement project is hereby approved and that the Mayor and/or Business Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 183 of 2022

M/S- Owen/McCarrie

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

No. 183 of 2022

Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey Authorizing the Disposition of Property No Longer Needed for Public Use

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point has determined that surplus items included in Schedule A below one (1) lot of used tires: and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use at a private sale when the estimated fair value of the property to be sold does not exceed 15% (Fifteen Percent) of the bid threshold; and

WHEREAS, the City of Somers Point acknowledges the there is a financial incentive towards the disposition of the subject property in this manner.

NOW, THEREFORE, BE IT RESOLOVED by the City of Somers Point's Governing Body that the Business Administrator is hereby authorized to sell the items listed below and as follows:

Schedule A

1. Items to be Sold at Private Sale:

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1 (One) Lot of Used Tires: Approximately 200 Count

Resolution No. 184 of 2022

M/S- Owen/Dill

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

Council President Johnston mentioned this position is a replacement of a retiree, not a new employee.

No. 184 of 2022

Subject: Hiring a Full-Time Public Safety Telecommunicator

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

WHEREAS, there exists a need to hire a full time Public Safety Telecommunicator; and,

WHEREAS, Chief Robert Somers has determined that there is a public safety need within the Police Department to hire one Public Safety Telecommunicator to a pending retirement; and

WHEREAS, Erica Blaine has served in the capacity of Public Safety Telecommunicator for five (5) years at the Cape May County Emergency Communications and after previously serving as a full-time Public Safety Telecommunicator for Belleplain Fire and EMS for one (1) year as well as a Part-Time Public Safety Telecommunicator here in Somers Point for two (2) years; and

WHEREAS, Mayor John L. Glasser, Jr. and Police Chief Robert Somers have recommended that Erica Blaine be appointed to the full time position of Public Safety Telecommunicator.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Erica Blaine is hereby appointed to the position of full time Public Safety Telecommunicator Trainee, Civil Service Title Code 01296, effective September 19th, 2022.

BE IT FURTHER RESOLVED that, beginning on the date of her full-time employment, Erica Blaine shall be paid the annual salary of \$56,768.00 in accordance with Level 8 in Salary Schedule C, For Dispatchers Hired on or After July 1, 2012, in the contract between the City of Somers Point and PBA Local#77.

Resolution No. 185 of 2022

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M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 185 of 2022

Subject: Resolution Releasing the Performance Guarantee for Taco Bell

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

WHEREAS, Taco Bell, requested the City of Somers Point release its Performance Guarantee posted for Taco Bell, Block 516, Lot 13, in the amount of \$37,431.40 to guarantee the completion of Taco Bell; 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 September 6, 2022 letter attached hereto and incorporated by reference herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that based on the City Engineer's letter dated September 6, 2022, attached hereto and incorporated by reference herein, it hereby releases the Performance Guarantee

Resolution No. 186 of 2022

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 186 of 2022

Subject: Authorizing Advertising Bids for CMAQ Bikepath Amenities

Introduced by: Council Member Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to install CMAQ Bikepath Amenities; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the CMAQ Bikepath Amenities; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at

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a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Old Business:

Council Member McGuigan discussed the problems that have been presented to City Council regarding short term rentals, stated his opposition to the ordinance and proposed the minimum stay be changed to 30 days.

Council Member Dill mentioned that at the time this Ordinance was enacted, he owned rental properties in the City, and therefore recused himself from any discussion or from voting. He encouraged any members of Council who own rental property to do the same. He also agreed that it should be more than a two-night minimum. He also recommended increasing fees for all mercantile licenses.

Council President Johnston mentioned some licensing problems have been worked out. She mentioned two complaints made on short term rentals properties this season. She also mentioned she does not believe thirty days is a short-term rental. She stated she would like to see a separate ordinance specific to short term rentals.

Council Member DePamphilis questioned Solicitor Smith about allowable restrictions and mentioned he would like to see ordinances from other municipalities on the subject.

Solicitor Smith discussed options and limitation that can be made by City Council regarding short term rentals and mercantile licenses.

New Business:

A Social Affair Permit for Saint Joseph Regional School for an event SJRS Family Fun Festival on 9/30/22 from 5-8 PM was unanimously approved by City Council.

Discussion of Bills:

Administrator Frost reported a Record of Payments dated 9/1/2022 in the amount of \$307,107.29 and a Bill List dated 9/1/2022 in the amount of \$4,339,710.82.

Public Portion:

The meeting was duly opened to the public.

James Woniack of Bucknell Road mentioned his concerns with the drainage and flooding in his area and the proposed pumping station on Exton Road.

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Peg Brady of Bucknell Road had questions regarding the process of engineering and approvals.

Ed O'Donnell believes many of the problems in the world today can be solved by self-care such as proper rest and sunshine.

Steve Bassett of Osborne Road reported he will be holding a tribute event to Olivia Newton John to benefit the Gilda's Club Cancer Research and encouraged everyone to sponsor or attend the event.

A resident from Parr Drive mentioned her concerns with short term rentals and the effects on residents.

Frank Fontana of Holly Hills Drive expressed his opinion on short term rentals in the City.

Joshua Stoker of Dartmouth Road voiced frustrations about construction in his neighborhood.

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

Payment of Bills:

M/S: Dill/Bruno

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

Comments from the Governing Body:

None

Recess:

The Governing Body recessed briefly before going into Executive Session at 9:25 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:49 p.m.

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Adjournment:

There being no further business to come before City Council, Council Member Owen moved, Council Member McCarrie seconded and carried to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 9/22/2022