

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 16, 2015**

Meeting called to order at 7:00 p.m. by President Kern with a salute to the flag.

Roll call was recorded as follows:

Present: D'Adamo, Dill, Gerety, McGuigan, Smith, Tapp & Kern
Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin & Deputy Clerk Samuelsen

Absent: None

Open Public Meetings Act

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

Communications

Deputy Clerk Samuelsen read the Proclamation regarding Child Abuse Prevention Month.

Mayor's Report

Mayor Glasser read a letter from Tom Innocente thanking the City for all their support regarding the torpedo memorial. The Mayor reported that it was a great event and a wonderful extension to Patriot's Park and the bike path. He thanked the City employees and the Somers Point Volunteer Fire Co. No. 1. Mayor Glasser read the police report for the month of March. Additionally, the Am Vets invited Mayor and City Council to walk in the Memorial Day Parade on May, 25th. Mayor Glasser reported that the City received a grant from NJDOT for \$190,000 for Delaware Avenue. City Council President Kern commended everyone for the great presentation regarding the delivery of the torpedo to Somers Point.

Administrator's Report

No report

Committee Reports

City Council President Kern requested that all boards and commissions file their minutes with the City Clerk's Office.

Councilman Dill reported final approval of Auto Zone on Massachusetts Avenue and Rt. 9 at the previous Planning Board meeting. Construction will begin in the next 60 days.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 9 - Final Reading

M/S – Gerety/Tapp

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Ordinance 9 (Continued)

**CITY OF SOMERS POINT
ORDINANCE No. 9 of 2015**

**CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

FIRST READING: 03/26/15
PUBLICATION: 04/01/15
FINAL READING: 04/16/15
PUBLICATION: 04/30/15

Meeting was opened to the public and duly closed. Ordinance No. 9 was then adopted on final reading by a unanimous vote of those present.

Ordinance No. 10 - First Reading

M/S – Gerety/Tapp

Ordinance No. 10 was approved on first reading by a unanimous vote of those present.

**CITY OF SOMERS POINT
Ordinance No. 10 of 2015**

**An Ordinance Enacted Under Authority of N.J.S.A. 39:4-197 Regulating the
Speed Limits on Certain Streets and Portions Thereof Supplementing and
Amending Article I Section 250-42 Schedule XVIII Restricted Speed Limits;
and Repealing All Ordinances Heretofore Adopted, The Provisions of Which
Are Inconsistent Herewith.**

Whereas, Ordinance 7 of 2014 amended Article I Section 250-42 SCHEDULE XVIII "Restricted Speed Limits" to include JFK Drive as a restricted speed limit street; and

Whereas, although the speed limits established for all streets listed in Schedule XVIII is ten (10) miles per hour, Ordinance 7 of 2014 did not specify the speed limit; and

Whereas, to clarify the intent of Ordinance 7 of 2014 it is Hereby, Resolved that

SECTION 1. Ordinance 7 of 2014 and Section 250-42 Article I Schedule XVIII "Restricted Speed Limits" is supplemented and amended as follows:

Name of Street	Direction	Speed Limit	Location
JFK Drive	One Way Street North	10 MPH	Entire Length

SECTION 2: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: April 16, 2015
PUBLICATION: April 22, 2015
FINAL PASSAGE: April 30, 2015

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Ordinance No. 11 - First Reading

M/S – Dill/Tapp

Ordinance No. 11 was approved on first reading by a unanimous vote of those present.

CITY OF SOMERS POINT

Ordinance No. 11 of 2015

An Ordinance Amending Article V of Section 202-36 V General Regulations of the Somers Point Municipal Code; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

Whereas, by Ordinance 11 of 2013 the Governing Body of the City of Somers Point amended and supplemented the Municipal Code regulating solicitors, vendors and canvassers within the City of Somers Point; and

Whereas, as enacted, the Ordinance required vendors participating in City sponsored events to obtain a vendor’s license as provided in the Code; and

Whereas, it has been determined that vendors who participate in such events which are of limited duration should not be required to secure an annual vendor license if their activity is limited to the time and scope of such events for which, in certain instances, there is either a sponsorship fee or an invitation to participate

Now, therefore, it is hereby, **RESOLVED**, that

SECTION 1. Sub-section V of Section 202-36 of the Somers Point Municipal Code is deleted in its entirety and is replaced with the following:

[Section 202-36 General regulations.](#)

[V.](#)

During City-sponsored events, including but not limited to Bay Fest, Good Ole Days, Summer Beach Concert series no commercial canvasser, solicitor, peddler or vendor will be permitted within the activity area or on adjacent public sidewalks and streets, except if requested and approved by the sponsor of the event as determined by the City's Community, Education and Recreation Director or his / her authorized and designated representative.

SECTION 2: All other provisions of Chapter 202 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: April 16, 2015
PUBLICATION: April 22, 2015
FINAL PASSAGE: April 30, 2015

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Ordinance No. 12 - First Reading

M/S – Gerety/Dill

Ordinance No. 12 was approved on first reading by a unanimous vote of those present. Mayor, City Council and Jim Franklin, Esq., thoroughly discussed and identified the area and project.

ORDINANCE NO. 12 of 2015

**AN ORDINANCE AUTHORIZING THE CITY OF SOMERS
POINT TO CREATE A DRAINAGE EASEMENT
LOCATED ON A PORTION OF LOTS 4, 5, AND 7 IN
BLOCK 510 IN THE CITY OF SOMERS POINT**

Whereas, a Community Block Development Grant has been obtained by the City of Somers Point to correct a drainage problem existing on certain properties located within Block 510 as designated on the Tax Map of the City of Somers Point; and

Whereas, it is necessary for the City of Somers Point to acquire a drainage easement from the owners of Lots 4, 5 and 7 situated within Block 510 in order to construct and maintain the drainage area; and

Whereas, the City Engineer has prepared plans and specifications and has prepared a legal description of the area of the properties to be subject to the drainage easement; and

Whereas, the purpose of said permanent drainage easement shall be for the maintaining the Storm Drainage System, together with all surface and subsurface appurtenances deemed desirable or necessary to construct, reconstruct, operate, use, maintain, protect, inspect and repair the same.

Now, therefore, it is hereby ORDAINED, by the Mayor and Common Council of the City of Somers Point, County of Atlantic and State of New Jersey, as follows:

SECTION 1: Whereas there exists the need to create a certain drainage easement situate in the City of Somers Point and crossing portions of properties designated as Lots 4, 5, and 7 in Block 510, which are more specifically described on the three Drainage Easement Legal Descriptions prepared by Gregory K. Schneider, P.E., PLS NJ License #42577, a copy of each of which is attached hereto and made a part hereof; and

The easement as described on the aforesaid attachment is hereby created and the Drainage Easements to be executed by each of the three property owners substantially in the form attached hereto are hereby accepted and authorized to be recorded.

SECTION 2: All Ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 3: If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication and adoption in the manner prescribed by law.

FIRST READING: April 16, 2015
PUBLICATION: April 22, 2015
PASSAGE: April 30, 2015

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Ordinance No. 13 - First Reading

M/S – Dill/Tapp

Ordinance No. 13 was approved on first reading by a unanimous vote of those present.

City Councilman Dill reported that this is an ongoing upgrade of our sewer infrastructure.

ORDINANCE NO. 13 of 2015

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$893,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$848,350 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

SECTION 1.

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the “City”), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$893,000 including the sum of \$44,650 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2.

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$848,350 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Police Department public safety equipment including a finger print machine including all attachments and appurtenances applicable thereto	\$42,000	\$39,900	5 years
b.) Acquisition by purchase			

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of a dump truck salt spreader including all attachments and

appurtenances applicable thereto.	\$117,000	\$111,150	5 years
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c.) Acquisition by purchase of portable radios, a radio base station, turnout gear and other Fire Department public safety equipment, including all attachments and appurtenances applicable thereto.	\$45,000	\$42,750	15 years
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d.) Acquisition by purchase of archival sleeves and books for vital records for the City Clerk offices and including all attachments and appurtenances applicable thereto.	\$13,000	\$12,350	15 years
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e.) Acquisition by purchase of microfilm equipment and services for the Construction Department including all attachments and appurtenances applicable thereto.	\$20,000	\$19,000	15 years
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f.) Acquisition by purchase of real property for public use including necessary improvements together with materials and work necessary therefore and incidental thereto.	\$200,000	\$190,000	40 years
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g.) Improvements to portions of various streets in the City including, but not limited to paving, sidewalks, curbing, drainage, signage, surfacing or resurfacing and any related work, together with all materials and work necessary therefore and incidental thereto in accordance with a list on file with the City Clerk.	\$450,000	\$427,500	10 years
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h.) Improvements to the City Clerk office, including installation of bullet resistant partition include all appurtenances			
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Ordinance 13 (Continued)	<u>\$6,000</u>	<u>\$5,700</u>	<u>15 years</u>
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applicable thereto.

TOTAL	<u>\$893,000</u>	<u>\$848,350</u>	<u>16.30 Years</u>
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5.

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6.

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

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 16.30 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and 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. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$848,350 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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Ordinance 13 (Continued)

- (d) An aggregate amount not exceeding \$133,950 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7.

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8.

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

SECTION 9.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10.

The City hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
- (e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

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Ordinance 13 (Continued)

SECTION 11.

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 12.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

First Reading:	April 16, 2015
Publication:	April 22, 2015
Second Reading:	April 30, 2015

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Somers Point, in the County of Atlantic, State of New Jersey, held on April 16, 2015, at the Somers Point City Hall. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on April 30, 2015, at 7:00 o'clock p.m. at the Somers Point City Hall. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office located in the City Hall, One West New Jersey Avenue, Somers Point, New Jersey for the members of the general public who shall request the same. The summary of the terms of such Bond Ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$893,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$848,350 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Purpose(s): Purchase of various equipment, apparatus and vehicles for the Police, Fire, Public Works and Construction Departments, and various capital improvements to the City Clerk's office, Police Department, recreational facilities, and municipal roadways.

Appropriation: \$893,000

Bonds/Notes Authorized: \$848,350

Grants (if any) Appropriated: None

Section 20 Costs: \$133,950

Useful Life: 16.30 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENTS AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the City of Somers Point in the County of Atlantic, State of New Jersey on _____, 2015, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such Bond Ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY

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Ordinance 13 (Continued)

APPROPRIATING \$893,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$848,350 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Purpose(s): Purchase of various equipment, apparatus and vehicles for the Police, Fire, Public Works and Construction Departments, and various capital improvements to the City Clerk's office, Police Department, recreational facilities, and municipal roadways.

Appropriation: \$893,000

Bonds/Notes Authorized: \$848,350

Grants (if any) Appropriated: None

Section 20 Costs: \$133,950

Useful Life: 16.30 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Ordinance No. 14 - First Reading

M/S – Gerety/Dill

Ordinance No. 14 was approved on first reading by a unanimous vote of those present.

ORDINANCE NO. 14 OF 2015

**BOND ORDINANCE PROVIDING FOR
VARIOUS SEWER UTILITY CAPITAL
IMPROVEMENTS IN AND BY THE CITY OF
SOMERS POINT, IN THE COUNTY OF
ATLANTIC, NEW JERSEY,
APPROPRIATING \$500,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$500,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

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

SECTION 1.

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$500,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

SECTION 2.

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the

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Ordinance 14 (Continued)

appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of a solids container and including all attachments and appurtenances applicable thereto.	\$5,000	\$5,000	15 years
b.) Replacements, improvements and renovations to various pump stations, mains, and other system components together with all materials and work necessary therefore and incidental thereto	<u>\$495,000</u>	<u>\$495,000</u>	<u>40 years</u>
TOTAL	<u>\$500,000</u>	<u>\$500,000</u>	<u>39.75 Years</u>

SECTION 4.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any capacities described in this section.

SECTION 5.

The applicable capital budget of the City is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

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SECTION 6.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 39.75 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$500,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7.

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

SECTION 8.

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9.

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to

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Ordinance 14 (Continued)

levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 10.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 11.

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 11.

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FIRST READING: April 16, 2015

PUBLICATION: April 22, 2015

FINAL READING: April 30, 2015

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Somers Point, in the County of Atlantic, State of New Jersey, held on April 16, 2015, at the Somers Point City Hall. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on April 30, 2015, at 7:00 o'clock p.m. at the Somers Point City Hall. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office located in the City Hall, One West New Jersey Avenue, Somers Point, New Jersey for the members of the general public who shall request the same. The summary of the terms of such Bond Ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING

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Ordinance 14 (Continued)

THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

Purpose(s): Capital Improvements to Municipal Utility Systems
Appropriation: \$500,000

Bonds/Notes Authorized: \$500,000
Grants (if any) Appropriated: None
Section 20 Costs: \$75,000
Useful Life: 39.75 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENTS AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the City of Somers Point in the County of Atlantic, State of New Jersey on _____, 2015, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such Bond Ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

Purpose(s): Capital Improvements to Municipal Utility Systems
Appropriation: \$500,000
Bonds/Notes Authorized: \$500,000
Grants (if any) Appropriated: None
Section 20 Costs: \$75,000
Useful Life: 39.75 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Ordinance No. 15 - First Reading

M/S – Gerety/Dill

Ordinance No. 15 was approved on first reading by a unanimous vote of those present. City Councilman Dill states that there is \$25,000 for tax abatement. Jim Franklin, Esq., explained that the ordinance provides for a \$25,000 tax abatement encouraging residential improvements. The Governing Body, Administrator Swain and Mr. Franklin thoroughly discussed the details of the ordinance. City Councilman Smith moved, seconded by City Councilman Dill to include condominiums and cooperatives for new construction only, which would be subject to the EDAC review. Motion carried by unanimous roll call vote. City Councilman Dill moved to table Ordinance No. 15 of 2015, seconded by City Councilman Tapp and carried. City Councilman Dill motioned to withdraw his motion to table along with City

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Ordinance 14 (Continued)

Councilman Tapp withdrew his second motion to table. Councilman Dill motioned to defer until the next City Council meeting, Councilman Tapp seconded and carried.

**ORDINANCE NO. 15 OF 2015
AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION
IN THE CITY OF SOMERS POINT OF THE
“FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW”
PURSUANT TO N.J.S.A. 40A: 21-1, ET SEQ.**

WHEREAS, pursuant to N.J.S.A. 40A:21-1, et seq. (the “Five Year Tax Exemption and Abatement Law” or the “Act”), a municipality having within its corporate limits areas in need of rehabilitation may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of multiple dwellings, mixed use structures and industrial and commercial structures; and

WHEREAS, by Resolution 186 of 2014 adopted on November 20, 2014, the City Council of the City of Somers Point designated the entire City as an Area in Need of Rehabilitation (hereinafter “ANR”) as that term is defined in N.J.S.A. 40A:21-1, et seq.; and

WHEREAS, The Mayor and City Council believe the enactment of an ordinance authorizing certain short term tax exemptions and abatements will promote growth and redevelopment opportunities which will inure to the long-term benefit of the City of Somers Point, while affording taxpayers with short-term benefits as authorized pursuant to the Act; and

WHEREAS, the governing body of the City of Somers Point desires to provide opportunity for real estate property tax incentives for:

a) Improvements to single family, multi-family, commercial structures, and industrial structures;

b) New construction of single family homes, commercial structures, industrial structures and mixed use structures situated within the ANR; and

establishing the terms and conditions under which said tax incentives shall be granted; and

WHEREAS, N.J.S.A. 40A:21-1, et seq. provides for the exemption of assessments on improvements for five years following completion of a project of improvement as defined in the statute and the exemption or abatement of property taxes for new construction for a five year period following completion of the project as defined in the statute; and

WHEREAS, the governing body intends by this Ordinance to establish the terms and conditions under which said short term tax incentives shall be granted

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

1. Statement of Intent and Purpose.

A. The intention of this Article is to effectuate and accomplish the purposes authorized by N.J.S.A. 40A:21-1 et seq., which permits municipalities to grant for periods of five (5) years exemptions and/or abatements, or both, from taxation within the City – wide area in need of rehabilitation.

B. The intended purpose of this Article is to:

i) Promote the improvement, rehabilitation and or construction of single family residential dwelling, multiple dwelling, commercial structures, industrial structures and mixed use structures within the City of Somers Point.

ii) Improve property values.

iii) Foster civic beauty.

iv) Protect and enhance the City's attractions to residents, tourists and visitors and to serve as a support and stimulus to business and industry.

v) Assist and encourage property owners and prospective purchasers in to achieve the goals established by the City Council and City Planning Board through adoption of the City’s Vision Plan and Master Plan.

2. Authority.

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Ordinance 14 (Continued)

A. The City Council of the City of Somers Point (the "City Council") hereby determines to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to establish the eligibility of residential dwellings, multiple dwellings, condominiums and cooperatives, commercial and industrial structures for exemptions and abatements permitted by P.L. 1991, c. 441 (See N.J.S.A. 40A:21-1 et seq.), throughout areas designated, or to be designated, as in need of redevelopment.

B. The City Council hereby authorizes and establishes a policy whereby it shall accept, review and consider an application, submitted in accordance herewith, for tax abatement/exemptions pursuant to applicable law for improvements and new construction within the area designated as an area in need of rehabilitation by the City Council.

C. This Chapter does not commit or require the City to approve any application submitted in accordance herewith. In considering each application, the City shall consider, in part, the benefits of the development project for the City and the impact of any tax abatement/exemption requested on the budget of the City.

3. Time of taking effect.

This Chapter authorizes the City of Somers Point to grant exemptions and abatements to commence and take effect in the 2015 tax year and thereafter.

4. Definitions.

A. The definitions contained in N.J.S.A. 40A:21-3 are incorporated herein by reference as if set forth at length. As used in this Chapter, words shall have the meanings as so defined unless a different meaning is expressed.

B. Mixed Use Structure: A structure with two or more different uses such as, but not limited to, residential (other than multi-family), commercial, or industrial.

C. Improvement: Improvement shall mean a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. It shall not include ordinary painting, or repairs and replacement of maintenance items.

5. Tax Exemptions and Abatements.

A. Improvements to Residential Dwellings other than Co-operatives or Condominiums

i) There shall be an exemption from taxation of improvements to residential owner-occupied, single-family dwellings and the owner-occupied residential portion of mixed-use dwellings more than 20 years old. In determining the value of real property, the City shall regard the first Twenty-Five Thousand Dollars (\$25,000.00) in the Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements as not increasing the value of the property for a period of five (5) years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

ii) There shall be an exemption from taxation of improvements to multi-family units more than 20 years old. In determining the value of real property, the City shall regard the first Twenty-Five Thousand Dollars (\$25,000.00) in the Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements as not increasing the value of the property for a period of five (5) years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

In order to be eligible to make application for the abatement under i) or ii), the Assessor's full and true value of improvements must be in excess of the \$25,000 threshold for each dwelling unit.

Excluded from the abatement or exemption is the repair of fire or other damage to property for which payment of a claim was received by any person from an insurance company at any time during the three (3) year period immediately preceding the filing of an application. In the event, however, that the Assessor's full and true value of the improvement results in at least a \$25,000

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increase over the assessed value of the property prior to the fire or other damage to the property, an application may be submitted for an abatement of \$25,000 of such added assessment.

iii) There may be an exemption of a portion of the assessed valuation of construction of new residential dwellings (other than multi-family dwellings, condominiums or cooperatives). In determining the value of the real property, the City shall consider 30% of the Assessor's full value of the dwelling constructed as not increasing the value of the property for a total of five years subject to the schedule set forth below, notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby.

The phase-in schedule is:

- a) In the first full year (365 days) after certified completion, 30% of the tax assessor's full and true value of the new dwelling.
- b) In the second year. 25% of the tax assessor's full and true value of the new dwelling.
- c) In the third year, 20% of the tax assessor's full and true value of the new dwelling.
- d) In the fourth year. 15% of the tax assessor's full and true value of the new dwelling.
- e) In the fifth year, 10% of the tax assessor's full and true and full value of the new dwelling.

Any exemption pursuant to this Section 5 A shall be approved by the Assessor upon the filing of an application on State approved form E/A 1 pursuant to Section 16 of this Article. A copy of the application shall be kept on file in the Office of the City Clerk and in the Office of the City Tax Assessor.

B. Improvements to Commercial Structures, Industrial Structures, and Mixed - Use Development Structures (Other than including any Multi-Family Structures, Condominiums or Cooperatives).

i) There may be an exemption from taxation of improvements to commercial structures, industrial structures, and mixed use structures (if there is no multi-family residential dwelling, condominium or cooperative). In determining the value of the real property, the City shall regard the first \$25,000 in the Assessor's full and true value of the improvements as not increasing the value of the property for a total of five years, notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

In order to be eligible to make application for the abatement the Assessor's full and true value of improvements must be in excess of the \$25,000 threshold.

Excluded from the abatement or exemption is the repair of fire or other damage to property for which payment of a claim was received by any person from an insurance company at any time during the three (3) year period immediately preceding the filing of an application. In the event, however, that the Assessor's full and true value of the improvement results in at least a \$25,000 increase over the assessed value of the property prior to the fire or other damage to the property, an application may be submitted for an abatement of \$25,000 of such added assessment.

ii) Any applicant seeking a tax exemption in excess of \$25,000 shall make application to Tax Assessor which shall be subject to approval by the governing body pursuant to Section 6 of this Article an application for exemption pursuant to this, Sub-section may be approved after review and evaluation by the governing body and shall be subject to a Tax Agreement in compliance with Section 7 of this Article.

C. New Construction of Commercial Structures, Industrial Structures, and Mixed - Use Development Structures (Other than including any Multi-Family Structures, Condominiums or Cooperatives).

The City Council is hereby authorized, at its discretion, to enter into tax agreements for an exemption and abatement from taxation of new construction of commercial structures, industrial structures and mixed use structures located within the ANR area designated by the City in

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accordance with N.J.S.A. 40A:12A-1, et. seq., the Local Redevelopment and Housing Law, and other New Jersey Statutes.

6. Applications for exemptions or abatement.

A. 1) Applicants for tax exemption or abatement pursuant to Sections 5 A. and 5 B i) shall within thirty (30) days, including Saturdays and Sundays, following the completion of the improvements, conversion, alteration or construction as defined in N.J.S.A. 40A:21-3.

2) Prior to the commencement of construction, Applicants for tax exemption and abatement for an improvement in excess of \$25,000.00 pursuant to Section 5 B. ii) or for a new construction of commercial structures, industrial structures and mixed-use structures pursuant to Section 5 C shall provide a preliminary application to the Somers Point Tax Assessor who shall then present the application to City Council using the State approved application form setting forth together with the following information:

- i. A general description of a project for which exemption and abatement is sought.
- ii. A legal description of all real estate necessary for the project.
- iii. Plans, drawings and other documents as may be required by the governing body to demonstrate the structure and design of the project.
- iv. A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project.
- v. a) A statement setting forth in detail the reasons for seeking tax exemption and abatement on the project and a description of the benefits to be realized by the applicant, if a tax agreement is granted; and
b) A pro-forma and/or other fiscal analysis demonstrating the need for the tax abatement and/or exemption
- vi. Estimates of the cost of completing such project.
- vii. A statement showing the:
 - a) real property taxes currently being assessed at the project site;
 - b) estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and
 - c) estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement.
- viii. A copy of any actual or proposed lease (or a detailed description of any lease agreement intended to be entered into) between the applicant and proposed users of the project, and a history and description of the user's business(es);
- ix. A description of any lease agreement between the applicant and proposed users of the project, and a history and description of the user's business(es);
- x. The construction schedule and date of completion;
- xi. A completed Application on State approved form E/A 1. A separate application shall be required for each building if more than one building is to be constructed or if the project involves more than one building to be built in phases of construction;

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- xii. Such other pertinent information as the Tax Assessor, City Administrator or the governing body may require on a case-to-case basis.

Following receipt of the Application the Tax Assessor shall review each application for completeness and prepare a Tax Estimate Worksheet and shall provide a copy of the Application and Tax Estimate Worksheet to the City Administrator. The City Tax Assessor shall notify the City Administrator upon receiving an application as soon as practicable after filing of an application with the City. All applications shall be forwarded by the City Administrator to the appropriate staff for review, including, but not limited to:

1. the Chief Financial Officer;
2. the City Attorney;
3. the City Planner.

Within sixty (60) days of filing of the application, the City Administrator shall forward a copy of the completed application and review memoranda to the City Council.

Following receipt of a completed application as set forth above, the City shall review same to determine whether an abatement/exemption for new construction or for abatement on an improvement in excess of the \$25,000 cap shall be granted following an individual review and evaluation of each application submitted to the City.

The Tax Assessor may also forward a copy of the completed application with the Tax Assessor's Worksheet to the Economic Development Advisory Commission whereby the applicant will be notified of the date and time of the next regular meeting. In such event

1. The applicant is required to appear before the Economic Development Advisory Commission at the scheduled meeting to discuss the application.
2. After review and discussion of the application by the Advisory Board of Economic Development, a letter of recommendation will be forwarded in writing to the Tax Assessor. The Tax Assessor will forward a copy of the Letter of Recommendation to the City Administrator.

7. Tax agreements.

The governing body of the City of Somers Point shall enter into a written agreement with an approved Section 4. B. or 4. C. applicant for the exemption and abatement of local property taxes. The agreement shall provide for the applicant to pay the municipality in lieu of full property taxes an amount annually to be computed by one, but in no case a combination, of the following formulas authorized by N.J.S.A. 40A:21-10:

A. Cost Basis.

The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to 2% of the cost of the project or improvement. For the purposes of the agreement, "the cost of the project" means only the cost or fair market value of direct labor and all materials used in the construction, expansion or redevelopment of all buildings, structures and facilities at the project site, including the costs, if any, of land acquisition and land preparation, provision of access roads, utilities, drainage facilities and parking facilities, together with architectural, engineering, legal surveying, testing and contractors' fees associated with the project, which the applicant shall cause to be certified and verified to the governing body by an independent and qualified architect following the completion of the project.

B. Gross Revenue Basis.

The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount annually equal to 5% of the annual gross revenues from the project. For the purposes of the agreement, "annual gross revenues" means the total annual gross rental and other income payable to the owner of the project from the project. If, in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by the landlord are to be paid by the tenant, then those payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The tax agreement shall establish the method of computing the revenues and may establish a

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method of arbitration by which either the landlord or tenant may dispute the amount of payments so included in the annual gross revenue.

C. Tax Phase-in Basis.

The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

- i) In the first full tax year after completion, the Council may authorize no payment in lieu of taxes otherwise due.
- ii) In the second tax year, an amount not less than 20% of taxes otherwise due.
- iii) In the third tax year, an amount not less than 40% of taxes otherwise due.
- iv) In the fourth tax year, an amount not less than 60% of taxes otherwise due.
- v) In the fifth tax year, an amount not less than 80% of taxes otherwise due.

In the sixth tax year the property will be at 100% of the taxes due.

8. Financial Agreement.

The authorization to enter into a financial agreement must be granted by the City Council by ordinance for the particular project. Any financial agreement shall contain those terms deemed necessary or desirable by the City and those terms required by the Exemption Law, including but not limited to:

- A. The applicant shall pay to the municipality, in lieu of full property tax payments, an amount annually to be computed by one, but in no case a combination of the "Cost Basis Formula," "Gross Revenue Basis Formula," or "Tax Phase-In Basis Formula," all as defined in the Exemption Law and incorporated by reference herein as if set forth fully.
- B. All tax abatement/exemptions applied for and granted pursuant to the Exemption Law and this section shall be in effect for a period of no more than five (5) full years next following the date of completion of the project.
- C. The applicant shall file a final application on Form A/E 1 required by Section 5 of this Ordinance within thirty (30) days, including Saturdays and Sundays, following the completion of the improvements, conversion, alteration or construction as defined in N.J.S.A. 40A:21-3.

9. Recordation.

The granting of an exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

10. Payment of Fees.

No application for tax exemption or abatement shall be accepted by the municipality unless accompanied by full payment of the required application fee. Such fees shall be based on total project cost as set forth in a schedule on file with the Office of the Municipal Clerk. These fees shall be received as compensation for the legal review and related work the municipality's departments and agencies.

The Initial Fee Schedule is as follows and may be amended from time to time by a Resolution adopted by City Council:

- A. For Improvements to Non Multi-Family Residential Property: \$100.00
- B. For Improvements to Multi-Family Dwellings: \$100.00 per dwelling unit
- C. For New Residential Construction: 1% of the estimated cost of construction
- D. For Conversion to Residential: \$100.00 per dwelling unit
- E. For Commercial, Industrial and Mixed Use Improvements within the \$25,000.00 cap: \$500.00
- F. For Commercial, Industrial and Mixed Use New Construction or Improvements seeking more than the \$50,000 abatement: 1.5% of the estimated cost of the construction or improvement.

11. Procedures.

The following procedure shall be applied to applications for exemption and abatement:

- A. The Construction Official shall determine the completion date in accordance the Five Year Tax Exemption and Abatement Law which decision shall be final, and not subject to appeal.
- B.

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i) For properties subject to a Tax Abatement or PILOT Agreement the exemption or abatement commences on January 1 of the tax year following project completion. Additional value exceeding the exempt amount will become subject to the added assessment at completion.

ii) For properties which are not required to enter into a PILOT agreement the exemption or abatement becomes effective immediately upon completion of the project and continues for five (5) annual periods (365 days) from that date.

iii) Any added assessment not exempted or pro-rated shall be added as an assessment immediately upon completion and shall be pro-rated for any partial tax year.

C.

All tax agreements entered into pursuant to this chapter shall be in effect for no more than the five full tax years next following the date of completion of the project. This chapter shall not preclude the governing body from entering into a financial agreement for a tax exemption and/or abatement pursuant to the Long-Term Tax Exemption Law or any other statute authorizing a tax exemption and/or abatement for a period longer than five years.

D.

As a condition to granting an exemption or abatement, a property owner shall be required to waive the filing of any tax appeal for the subject property for the life of the exemption/abatement.

12. Copy of agreement to be forwarded to Director of the Division of Local Government Services.

The City Clerk, pursuant to N.J.S.A. 40A:21-11, shall forward a copy of all tax agreements entered into pursuant to this chapter to the Director of the Division of Local Government Services in the Department of Community Affairs within 30 days of the date of execution.

13. Disqualification of property owner.

If during any tax year prior to the termination of the tax abatement or exemption agreement, the applicant ceases to operate or disposes of the property or otherwise fails to meet the conditions of eligibility, the tax otherwise due if there had been no abatement or exemption during any of the years during which the Agreement was in effect, and all such taxes shall become due and payable by the property owner. The Tax Assessor shall notify the property owner and the Tax Collector forthwith and the Tax Collector shall within fifteen (15) days thereof notify the owner of the property of the amount of taxes due. However, with respect to sale or other disposal of the property which it is determined that the new owner of the property will continue to use the property pursuant to the conditions which were set forth in the tax abatement or exemption agreement, the exemption or abatement shall continue.

14. Additional exemption or abatement.

The City of Somers Point hereby determines that an additional improvement, conversion or construction completed on a property already granted a previous exemption or abatement pursuant to this chapter during the period in which the previous exemption or abatement is in effect may qualify for an additional exemption or abatement. The additional improvement, conversion or construction may be considered as separate for purposes of calculating the exemption and abatement, except that the assessed value of any previous improvement, conversion or construction may be added to the assessed valuation as it was prior to that improvement, conversion or construction for the purpose of determining the assessed value of the property for which any additional abatement is to be subtracted. Any additional exemption or abatement must be reviewed and approved by the Tax Assessor and by City Council.

15. Delinquent Taxes and Default in Payment of Taxes

A.

No exemption or abatement shall be granted or tax agreement entered into pursuant to this chapter for any property for which property taxes and/or other municipal charges are delinquent or remain unpaid, or for which penalties for nonpayment of taxes are due. As a condition to granting an exemption or abatement, a property owner shall be required to waive the filing of any tax appeal for the subject property for the life of the exemption/abatement.

B.

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i) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying for the abatement, the local property taxes due for all the prior years subject to abatement and for the current year shall be payable as if no exemption or abatement has been granted. The Tax Collector of the City of Somers Point shall notify the property owner within 15 days of the date of disqualification of the amount of taxes due.

ii) In the event that the subject property shall be transferred to a new owner prior to the termination of the abatement or exemption period, and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no tax shall be due; the exemption and abatement shall continue and the agreement shall remain in effect.

16. Application form.

No exemption or abatement shall be granted pursuant to this chapter except upon written application therefor filed with the Tax Assessor using the required form. Every application shall be filed with the Assessor within 30 days, including Saturdays and Sundays, following the completion of the improvements, conversion, alteration or construction as defined in N.J.S.A. 40A:21-3.

17. Termination of agreement.

At the termination of an agreement for tax abatement or exemption authorized pursuant to this chapter, the project shall be subject to all applicable real property taxes, as provided by state laws and regulations and local ordinances, provided that nothing herein shall be deemed to prohibit the project or improvement at the termination of the agreement for tax exemption or abatement from qualifying for and receiving the full benefits of any other tax preference provided by law.

18. Applications; filing and approval; form.

Every application for exemption, or exemption and abatement, within a municipality adopting the provisions of this act, which is filed within the time specified, shall be approved and allowed by the Assessor to the degree that the application is consistent with the tax agreement executed by the City Council in accordance with Section 5 hereof. The granting of an exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

19. Applicability of Statutory Regulatory Provisions.

Every application for exemption or abatement and every exemption and abatement granted shall be subject to all the provisions of N.J.S.A. 40A:21-1, et seq., and all rules and regulations issued thereunder.

20. Applicability of Federal, State and Local Laws.

All tax abatement and exemption agreements shall provide that the applicant is subject to all federal, state and local laws and regulations.

21. Equalization.

The percentage which the payment in lieu of taxes bears to the property taxes which would have been paid had an abatement not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the municipality for determining equalization for county apportionment and school aid during the term of the tax abatement agreement covering the property.

22. Period of Eligibility.

This Ordinance and the opportunity to apply for Tax exemption shall expire on December 31, 2019 after which no further applications shall be accepted unless this Ordinance shall have been re-adopted by City Council in accordance with the Exemption Law.

23. Ordinance Sent to Department of Community Affairs.

The Municipal Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the State of New Jersey Department of Community Affairs.

24. Captions.

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

25. Construction of Ordinance.

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Ordinance 14 (Continued)

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 2. Codification

This Ordinance shall be codified as Article III Five Year Tax Exemption and Abatement in Chapter 228: TAXATION of the Municipal Code of the City of Somers Point. This Ordinance may be renumbered for codification purposes.

SECTION 3. Inconsistent Ordinances Repealed.

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

SECTION 4. Severability.

In the event that any provision of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 5. Effective Date.

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

FIRST READING:	April 16, 2015
PUBLICATION:	April 22, 2015
FINAL PASSAGE:	May 14, 2015

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

A resident of 550 Bay Avenue questioned the responsibilities of a historic architect. Administrator Swain explained the grant and project of the Gateway Theater.

Consent Agenda - There were no items on the consent agenda.

Resolution No. 69

M/S - Gerety/Tapp

Adopted by a unanimous vote of those present.

No. 69 of 2015

Subject: AUTHORIZING TONNAGE GRANT APPLICATION
Introduced By: Councilman Dill

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, its the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

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Resolution 69 (Continued)

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and designates Wes Swain, City Administrator, and James Daugherty, Recycling Coordinator, to ensure that the said Application is properly filed.

Resolution No. 71

M/S - Gerety/Tapp

Adopted by a unanimous vote of those present.

No. 71 of 2015

Subject: Temporary Budget Emergency

Introduced by : Council President Kern

Whereas, an emergent condition has arisen with respect to an anticipated delay in adopting the local budget and no adequate provision has been made in the 2015 temporary appropriations for the aforesaid purpose; and

Whereas, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

Whereas, the total emergency temporary resolutions adopted in the year 2015 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20), including this resolution total \$3,189,055.00 for the Current Fund and \$400,000.00 for the Sewer Utility.

Now, therefore, be it resolved by the City Council of the City of Somers Point, not less than two-thirds of all of the members thereof affirmatively concurring, that, in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for individual items outlined below in the total amount of \$102,400.00 for the Current Fund.
2. That said emergency temporary appropriation will be provided for in the 2015

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Resolution No. 71

budget under the titles as outlined below.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

APPROPRIATIONS

Temporary
Emergency
#1

CURRENT FUND

OUTSIDE CAP

PUBLIC AND PRIVATE PROGRAMS OFFSET BY
REVENUES: FEDERAL AND STATE GRANTS

NJ Historic Trust - Gateway Playhouse	OE	102,400.00
	TOTAL	102,400.00

Resolution No. 70

M/S – D’Adamo/Tapp

Adopted by a unanimous vote of those present.

No. 70 of 2015

Subject: Appointment of Historic Architect Consultant

WHEREAS, the City of Somers Point has identified a need for a Historic Architect Consultant in connection with the Gateway Theatre Project; and

WHEREAS, qualifications and proposals for these services were received on September 9, 2014 in conformance with a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

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

1. Manders Merighi Portadin Farrell Architects, LLC be and hereby is appointed as Historic Architect Consultant for the City of Somers Point for the period of April 16, 2015 through April 15, 2016, inclusive.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. This appointment is not exclusive during the term of this contract, and that City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.
4. The City Administrator is hereby authorized to execute an agreement with Manders Merighi Portadin Farrell Architects, LLC in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.

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Resolution 70 (Continued)

5. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S.A. 40A:11.5 (6) is not required.

I hereby certify that funds are available for this purpose for the liability to be incurred during the temporary budget period and that funds will become available for the remaining balance upon adoption of the 2015 budget in the account: NJ Historic Trust (Gateway Playhouse). No amount shall be chargeable or certified until such times as goods or services are ordered or otherwise called for.

William E. Swain, CFO

Resolution No. 72

M/S - Dill/Gerety

Adopted by a unanimous vote of those present. City Administrator Swain explained how the repairs will be completed.

No. 72 of 2015

Subject: Authorizing Advertising for Bids for the 2015 Sanitary Sewer Gravity Main Rehabilitation Project

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to renovate approximately 4,800 linear feet of sanitary sewer mains within the City by slip lining these pipes; and

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to prepare an alternate bid to slip line certain designated lateral connections.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Sewer Utility Engineer is hereby authorized to prepare plans and specifications for the 2015 Sanitary Sewer Gravity Main Rehabilitation Project.

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

Resolution No. 73

M/S - Gerety/Dill

Adopted by a unanimous vote of those present.

NO. 73 of 2015

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Resolution 73 (Continued)

AUTHORIZING EXECUTIVE SESSION

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, 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 one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on April 16, 2015 during a public meeting to be held commencing at 7:00 P.M, and

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

1	“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed. ”
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The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

The acquisition of land necessary for recreational use to extend the Bike Path for which the exercise of eminent domain has been authorized and commenced.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 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 immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

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 # 5 above	Acquisition of land needed for public use by the City.	Formal Action taken by City Council

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Resolution No. 74

M/S - Gerety/Dill

Adopted by a unanimous vote of those present.

NO. 74 of 2015

A Resolution Supporting the Strategic Recovery Planning Report and Authorizing the Administration to Submit Applications for Post Sandy Planning Assistance Grants

Whereas, the New Jersey Department of Community Affairs (NJDCA) is allocating \$5 million in Community Development Block Grant – Disaster Recovery (CDBG-DR) funds to support long range planning for municipalities that sustained damage from Super storm Sandy; and

Whereas, applications for these grants are being accepted on a first come, first serve basis; and

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

Whereas, the City of Somers Point has received a Post Sandy Planning Grant to complete a Strategic Recovery Planning Report; and

Whereas, the completion of a Strategic Recovery Planning Report is a prerequisite for applying for additional grant funds; and

Whereas, this Governing Body accepted and supports the findings of this Report prepared by Rutala Associates, LLC in January 2014 as set forth in Resolution 48 of 2014;

Whereas, the City understands that these grant funds can be used for planning, design and engineering to facilitate projects that will make the community more resilient; and

Whereas, City of Somers Point intends to apply for Post Sandy Planning Assistance grant money for the following supplemental planning activities and in the following amounts:

1. Creative Place making Plan - \$50,000
2. Community Rating System Actions - \$50,000
3. Zoning Ordinance Revisions – Design Standards - \$50,000

Now Therefore Be It Resolved, that the Governing Body of the City of Somers Point

1) Supports the Strategic Recovery Planning Report and hereby authorize the application for Post Sandy Planning Assistance to continue the City's effort to become more resilient; and,

2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the and the New Jersey Department of Community Affairs; and

3) The City of Somers Point has sustained a ratable loss attributed to Super storm Sandy of at least 1% or \$1M as indicated by the attached documentation from the tax assessor; and

4) That the City of Somers Point agrees to comply with all CDBG-DR regulations, Post Sandy Planning Assistance Guidelines and also accepts that the proposed uses of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies.

Be It Further Resolved, that the Governing Body authorizes the City Administrator with the assistance of the City Planner and City Engineer to submit an Application to NJDCA for Post Sandy Planning Assistance and to sign the Grant Agreement.

Resolution No. 75

M/S - Dill/Tapp

Adopted by a unanimous vote of those present.

No. 75 of 2015

Subject: Appointment of Suasion Communications Group

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Resolution 75 (Continued)

Introduced By: Councilwoman Kern, Councilmen Gerety and Tapp

WHEREAS, the City of Somers Point has identified a need for Public Relations Services for the period of May, 2015 through December, 2015: and

WHEREAS, requests for proposals for Public Relations Services were published on April 1, 2015 and proposals were received by the City on April 14, 2015; and

WHEREAS, the Economic Development Advisory Commission reviewed the proposals and recommends Suasion Communications Group; and

WHEREAS, this contract is awarded through a fair and open process pursuant to N.J.S.19:44A-20.4 et. Seq.

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

1. Suasion Communications Group be and hereby is appointed to provide Public Relations Services for the City of Somers Point, for the period of May 1, 2015 through December 31, 2015, inclusive.
2. This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an agreement with Suasion Communications Group in connection with these services, in the amount of \$ 10,000.00 in a form approved by the City Solicitor and, upon execution, the agreement will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

I hereby certify that funds are available for this purpose for the liability to be incurred during the temporary budget period and that funds will become available for the remaining balance upon adoption of the 2015 budget in the account: Economic Development Advisory Commission, Other Expenses, 5-01-20-170-200. No amount shall be chargeable or certified until such times as goods and services are ordered or otherwise called for.

William E. Swain, CFO

Old Business

City Administrator Swain reported that the Bayfest Committee is willing to add portable toilets; however, the City is limited to where the portable toilets can be placed. The Governing Body concurred not to add extra portable toilets.

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New Business

City Councilman Gerety motioned, seconded by City Councilman Tapp to approve for following:

Raffle License application for the Knights of Columbus was approved by a unanimous vote of those present. City Councilmember D'Adamo abstained.

Raffle License application for the Ocean City Rotary Charities was approved by a unanimous vote of those present.

Raffle License application and request for waiver of fee for AMV Vets Post 911 was approved by a unanimous vote of those present. City Councilmember Dill abstained.

Special Event Ordinance

Mr. Franklin is creating a standardized application, and Mr. Franklin needs to address standardized procedures. Mr. Franklin recommended City Council to review and comment to him directly.

Discussion of Bills

City Administrator explained an additional \$59,894. Also, there is a computer generated bill list of 1,065,766.26. The William Swain payment is not for him; it is payment to his son for entertainment at Bayfest. The Governing Body discussed the 4-wheel drive police vehicles.

Public Portion

The meeting was opened to the public. Hearing nothing, the public portion was closed.

Payment of Bills

M/S - Tapp/Gerety

Payment of the Bills was approved by a unanimous vote of those present.

Adjournment

There being no further business, meeting adjourned at 8:15 p.m. Council remained for an Executive Session which adjourned at 8:22 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved:

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