

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 8, 2016**

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

Roll call was recorded as follows:

**Present:** D'Adamo, Dill, Gerety, McGuigan, Smith, Toto & Tapp  
**Also Present:** Mayor Glasser, Administrator Swain, Clerk Samuelson and Attorney Franklin

**Absent:** None

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**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

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**Public Portion on Resolutions:**

Meeting was opened and duly closed to the public.

**Resolution No. 168**

M/S – Dill/Toto

The resolution was adopted by a unanimous vote of those present. Councilman D'Adamo indicated that he attended many of their games, and he mentioned how the team always showed good sportsmanship. He stated that the team represents our City well and appreciates all their efforts. Councilman McGuigan corrected Clerk Samuelson's reading of Jack Cook, which should have been read "Jake Cook". He continued to congratulate them on a great accomplishment and was happy to see them this evening. Councilman Dill congratulated the team, parents and coaches for all their devotion. Councilman Toto thanked their coaches for their leadership and time, and he congratulated the team. Mayor Glasser congratulated and thanked the team, coaches and parents on the championship. Councilman Dill made a correction to his previous statement congratulating the "boys" when he recognized a girl on the team also. He officially recognized her sportsmanship, congratulated her and thanked her for playing baseball for the City. Mayor Glasser and Councilmen Toto proudly presented the resolution to the team with a round of applause. The coach introduced each player to the Governing Body and public.

**No. 168 of 2016**

**Saluting the Somers Point Little League  
District 16 10-and-under Baseball Championship Team**

**Whereas**, It had been more than 10 years since Somers Point last won a Little League District 16 10-and-under baseball championship; and

**Whereas**, the members of the 2016 Somers Point 10-and-under Little League Baseball Team were yet to be born when the city celebrate that last 10-and-under district championship; and

**Whereas**, on Tuesday July 12, 2016 Somers Point defeated Upper Township in a 12-11 thriller to cap off a perfect run through the tournament to win the Little League 10-and-under District 16 Baseball Championship; and

**Whereas**, the young Somers Pointers who make up this outstanding team are John Batty, Cohen Cook, Christian Elliott, Josh Hanlin, Dylan Ireland, Ava Jamison, Brian Keenan, Tanner Levin, Ryan Merryfield, Jacob Meyers, and Nate Wagner; and

**Whereas**, these young man were guided and molded into championship form by Manager Eric Meyers, and assistant coaches Jake Cook and Brian Keenan.

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**Now therefore, be it resolved**, that the dedication and success of the Championship team reflects the City of Somers Point in a positive manner.

**Be it further resolved**, the governing body of the City of Somers Point recognizes and honors the achievements of The Somers Point 10-and-under Little League Baseball Team.

**Also be it resolved**, that the Mayor and the City Council conveys their congratulations to all members and coaches of the 2016 Somers Point 10-and-under Little League Baseball Team.

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**Oath of Office of Deputy City Clerk:**

Mayor Glasser stated that Shelby has done a great job for the City and is well deserved of the office. Mayor Glasser administered the Oath of Office for Deputy City Clerk, Shelby Mollenkopf, with her mom holding Shelby's pink Bible and her brother at her side, which was followed by a round of applause.

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**Communications:**

There were none to report.

**Proclamations:**

There were none presented.

**Mayor's Report:**

Mayor Glasser encouraged everyone to come out to Kennedy Park on 9/10/16 to enjoy the Good Ole Days Festival where there will be good music, food and fun for everyone. The Run for Bud registrations will start at 7:30 a.m. The 911 ceremony will be held on 9/11/16 at Patriot Park at 8:30 a.m. The annual Richard Somers Day ceremony will be held on 9/11/16 at 1:00 p.m. at Richard Somers Park. Mayor Glasser mentioned that all the City's emergency services were prepared for the forecasted storm; however, fortunately the storm went out to sea. He thanked everyone involved for their preparedness.

**City Administrator's Report:**

There was none report.

**Committee Reports:**

There were none to report.

**Approval of Minutes:**

M/S – Toto/Dill

Minutes of the Regular Meeting of June 23, 2016, and the Regular Meeting of July 28, 2016, were approved by a unanimous vote of those present.

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**Approval of Minutes:**

There were no minutes presented.

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**Ordinances:**

**Ordinance No. 12 – Second Reading/Public Hearing/Adoption**

M/S- Gerety/Toto

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

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**Ordinance No. 12 of 2016**

**AN ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF  
ATLANTIC, NEW JERSEY AMENDING CHAPTER 213A OF THE  
CODE OF THE CITY OF SOMERS POINT**

First Reading: August 25, 2016  
Second Reading: September 8, 2016

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on August 25, 2016 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 8, 2016.

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**Ordinance No. 13 – First Reading**

M/S- D’Adamo/Toto

The ordinance was adopted by a unanimous vote of those present. City Administrator Swain explained that fees may be changed from time to time. There is no fee for a disconnect; however, there is a fee to reconnect. This ordinance will give the City the authority to update and change fees.

**Ordinance No. 13 of 2016**

**AN ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF  
ATLANTIC, NEW JERSEY AMENDING CHAPTER 212 OF THE  
CODE OF THE CITY OF SOMERS POINT TO ADD A SUB-  
PARAGRAPH E TO CODE SECTION 212-3 AND TO AMEND CODE  
SECTION 212-12**

**Introduced by: Council President Tapp**

Whereas, Somers Point Code Section 212-18 authorizes the Somers Point Sewer Utility to establish rules and regulations as necessary and required in order to facilitate the effective operation of the Sewer Utility; and

Whereas, the cost associated with disconnecting and reconnecting sewer service, escrow fees for review and inspection of commercial customer design and connection to the Sewer Utility waste water collection system, and to establish fees for similar services which apply only to a single customer should be paid by the Sewer Utility customer rather than absorbed by all users of the system; and

Whereas, the cost to repair damage caused to the Somers Point Sewer Utility Wastewater Collection System due to customer action or inaction or the introduction of toxic or corrosive elements should be paid by the responsible customer rather than borne by all users.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY  
AS FOLLOWS:**

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**Section 1.** A sub-paragraph E. is hereby added to Code Section 212-3. “Responsibility for connection and maintenance” to read as follows:

E. In addition to the fees described in paragraph A above, and any costs, fees and charges imposed under Code Section 212-12, the Utility shall establish and require fees for the following:

- 1.to disconnect and reconnect sewer service;
- 2.engineering escrow fees for the review and inspection of proposed designs of commercial property owner systems;
- 3.the cost of the Sewer Utility to perform work on behalf of a property owner in an emergency situation, or to address deficiencies or make corrections to the property owner’s system which the property owner is unwilling or unable to address, and which, if left unaddressed could cause damage to the City’s system, public property or a public right-of-way. or which occur in an emergency situation;
- 4.the cost to make repairs to the system necessitated by the actions of a user or users following a determination made as provided in Code Sections 212-6 through 212-8;
- 5.such other services that may be deemed reasonable within the normal scope of the sewer utility operation.

The escrow account fees shall be determined by the City Administrator and the Sewer Utility Professional(s).

Other fees which are capable of being determined on a fixed or hourly basis, plus cost of materials, shall be established from time to time by Resolution of the City Council.

Fees and charges which are fact specific shall be determined by a formula which shall be determined by the City Administrator and the Sewer Utility and which may be established, approved, or amended from time to time by Resolution of the City Council.

With the exception of fees for disconnection and reconnection of service which shall be charged as described by Resolution, and Escrow Fund fees which are to be paid or deposited upon notice, unless other arrangements are made by the customer and the Sewer Utility for earlier payment all fees and charges shall be added to the next sewer bill and shall be a first lien or charge against the property. If any part of the amount due and payable in rates, rentals, connection fees or other charges remains unpaid for 30 days following the date for the payment thereof, interest upon the amount unpaid shall accrue at a rate of interest to be determined in accordance with N.J.S.40A:26A-17.

The governing body of the local unit may authorize payment of delinquent assessments on an installment basis in accordance with R.S.54:5-19. Liens levied in accordance with this Chapter shall be enforceable in the manner provided for real property tax liens in chapter 5 of Title 54 of the Revised Statutes.

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**Section 2.** Code Section 212-12. "Other Charges and Fees" is deleted in its entirety and is hereby amended to read as follows:

No statement contained herein shall be construed as prohibiting the collection of additional fees for initial sewer system connection, disconnection, reconnection following disconnection, escrow funds for professional review and inspection, sewer expansions or extensions, dedicated (reserved) transport or treatment capacity in excess of current actual use or pretreatment of industrial wastes.

**Section 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**Section 4.** Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

**Section 5.** This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on September 8, 2016 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 22, 2016.

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**Ordinance No. 14 – First Reading**

M/S- Gerety/D'Adamo

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

**Ordinance No. 14 of 2016**

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

**Councilmen McGuigan, Dill, Tapp**

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

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

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

**WHEREAS,** two requests has been submitted to the Mayor and City Clerk by:

1) Sergio Barella stating the need for a Handicapped Parking Space in front of his residence, 9 Higbee Avenue, Somers Point, NJ, and

2) Anthony Rodriguez-Trejo stating the need for a Handicapped Parking Space in front of his residence, 25 East Groveland Avenue, Somers Point, NJ; and

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**WHEREAS**, the requests did not include the required verified New Jersey Driver's License and the Permanent Disability Identification Card issued by the New Jersey Motor Vehicle Commission; and

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

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

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

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

<b>Name of Street</b>	<b>Location</b>
Higbee Avenue	North Side Directly in front of 9 Higbee Avenue (Sign to be placed 118 feet east of the easterly curb line Shore Road).
East Groveland Avenue	North Side Directly in front of 25 East Groveland Avenue (Sign to be placed: 235 feet west of the westerly curb line Sunny Avenue).

**SECTION 2.** Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate an area of 25 feet in length in front of the residence of the handicapped persons, to be painted as a no-parking zone.

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

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

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

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

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

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

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

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

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on September 8, 2016 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council September 22, 2016.

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**Ordinance No. 15 – First Reading**

M/S- Toto/Dill

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

Mr. Franklin indicated there are a few errors on Page 7 and Page 13, and will send a new copy to Clerk Samuelsen.

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**Ordinance No. 15 of 2016**

**AN ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY CREATING A NEW ARTICLE VIII IN CHAPTER 169 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT ENTITLED “REHABILITATION OF ABANDONED PROPERTY”**

**WHEREAS**, pursuant to the Abandoned Property Rehabilitation Act (N.J.S.A. 55:19-78 et seq.) (the “Act”) the City Council of the City of Somers Point has the power to establish an Abandoned Property List and to establish and adopt specific municipal powers that are authorized under the Act; and

**WHEREAS**, the City of Somers Point (“City”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

**WHEREAS**, abandoned properties create a wide range of problems, such as fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

**WHEREAS**, abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

**WHEREAS**, the continued presence of abandoned properties, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the City of Somers Point acts a significant barrier to the City’s continued progressive development and revitalization; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, this Governing Body 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 City by law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey, that the Somers Point Municipal Code is hereby amended to establish and adopt the municipal powers authorized by the Act, N.J.S.A. 55:19-78 et seq., and related statutory provisions, as follows:

**SECTION 1:** The Code of the City of Somers Point is hereby amended, supplemented and revised in to include a new Article VIII in Chapter 169 of the Somers Point Municipal Code, entitled “Rehabilitation of Abandoned Property” which shall provide as follows:

**Chapter 169 ARTICLE VIII REHABILITATION OF ABANDONED PROPERTY**

**Section 169-82. Definitions.**

“Abandoned Property” shall mean any property that is determined to be abandoned pursuant to P.L. 2003, N.J.S.A. 55:19-81;

“Abandoned Property List” shall mean an inventory List of Abandoned Property, created pursuant to the Act.

“Building” shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outbuildings, and appurtenances belonging thereto.

“City Council” shall mean the City Council of the City of Somers Point.

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"Interested parties" shall include any resident of the City of Somers Point, any owner or operator of a business within the City of Somers Point, or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

"Lienholder" or "Mortgage Holder" shall mean any person or entity holding a note, mortgage, or other interest secured by a building or any part thereof;

"Owner" shall mean the holder, or holders of title to an Abandoned Property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec. 17 as amended by P.L. 2009, c.296), or any other entity determined by the City of Somers Point to have authority to act with respect to the property.

"Property" shall mean any building or structure and the land appurtenant thereto.

"Property in Need of Rehabilitation" shall mean improved, legally vacant property in a state of disrepair as set forth in N.J.S.A. 40A:12A-3 or 14, except that it need not be in an area in need of rehabilitation.

"Public Officer" shall mean a person designated or appointed by resolution of the City Council pursuant to N.J.S.A. 40:48-2.5, any officer of the municipality qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78 et seq. as may be designated by resolution of the City Council, the Code Enforcement Officer or his/her designee, and the Construction Code Official or his / her designee.

"Qualified Rehabilitation Entity" shall mean an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities to carry out the rehabilitation of vacant buildings, as set forth under N.J.S.A. 55:19-80.

"Vacant Property" shall mean any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

All undefined terms in this ordinance are given the definition set forth in the Act or otherwise at law or their common dictionary meaning, as the case may be.

**Section 169-83. Abandoned property criteria.**

A. Except as otherwise provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that same six-month period; or
- (2) Construction was initiated on the property and was discontinued prior to



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completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Public Officer;

(3) At least one installment of property tax remains unpaid and delinquent on that property as of the date of a determination by the Public Officer; or

(4) The property has been determined to be a nuisance by the Public Officer, in accordance with N.J.S.A. 55:19-82 for one or more of the following reasons:

(a) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;

(b) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;

(c) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;

(d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or

(e) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq., so long as two – thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer.

**Section 169-84. Establishment of Abandoned Property List; Notice to Owner of Record; Challenge by Owner.**

A. The Public Officer shall identify abandoned property within the City of Somers Point for the purpose of establishing an Abandoned Property List. The Abandoned Property List shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Public Officer may add properties to the Abandoned Property List at any time, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.

B. An abandoned property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the City of Somers Point has purchased or taken assignment from the City of a tax sale certificate which has been placed on the Abandoned Property List may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within thirty (30) calendar days after the property is placed on the List; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six (6) months after the property was first placed on the List, the property shall be restored to the Abandoned Property List in accordance with the provisions of N.J.S.A. 55:19-103.

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- C. The Public Officer shall establish the Abandoned Property List and any additions or deletions thereto by authorizing the publication of the List in the official newspaper of the City of Somers Point, which publication shall constitute public notice, and, within ten (10) calendar days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the List. The published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d).

When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the finding of the Public Officer that the property is abandoned property as that term is defined herein and in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the Public Officer in the Office of the Atlantic County Clerk. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the City of Somers Point as "plaintiff" and the name of the property owner as "defendant," as though an action had been commenced by the City against the owner.

- D. An owner or lienholder may challenge the inclusion of his property on the Abandoned Property List by appealing that determination to the Public Officer within thirty (30) calendar days of the owner's receipt of the certified notice or forty (40) calendar days from the date upon which the notice was sent. An owner whose identity was not known to the Public Officer shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the Abandoned Property List.

For good cause shown, the Public Officer shall accept a late filing of an appeal. Within thirty (30) calendar days of receipt of a request for an appeal of the findings contained in the notice, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the List shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property is not an abandoned property, can demonstrate that the property was erroneously included on the List. The affidavit or certification shall be accompanied by supporting documentation, such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S.A. 55:19-54. The Public Officer shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

- E. The property owner may challenge an adverse determination of an appeal by the Public Officer made pursuant to subsection D of this Section 169-84, by instituting, in accordance with the New Jersey Court Rules, a summary trial proceeding in the New Jersey Superior Court, Atlantic County. Such action shall be instituted within twenty (20) calendar days of the date of the notice of decision mailed by the Public Officer. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- F. The Public Officer shall promptly remove any property from the Abandoned Property List that has been determined by the Public Officer, or by the Court on appeal not to be

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abandoned and may, in his / her discretion, remove properties from said List whenever the Public Officer deems such removal appropriate under the circumstances.

- G. The Abandoned Property List shall become effective, and the City of Somers Point shall have the right to pursue any legal remedy with respect to properties on the List, at any time after at least one property has been placed on the List and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property; and such List shall continue as may be amended or supplemented by the Public Officer.

**Section 169-85. Interested parties may request additions to the Abandoned Property List.**

- A. Any interested party may submit a written request to the Public Officer asserting that any property within the City of Somers Point should be included on the Abandoned Property List. The written request must specify the street address and block and lot number of the property to be included and the grounds for its inclusion. Within thirty (30) calendar days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the List or, if not, the reasons for not adding the property..
- B. Any interested party may participate in a redetermination hearing regarding the inclusion of a property on the Abandoned Property List. Upon written request by any interested party, the Public Officer shall provide that party with at least twenty (20) calendar days' notice of any such hearing. The party shall provide the Public Officer with notice at least ten (10) calendar days before the hearing of its intention to participate and the nature of the testimony or other information that it proposes to submit at the hearing.

**Section 169-86. Removal of property from Abandoned Properties List.**

- A. An owner may request removal of their property from the Abandoned Properties List prior to sale of the tax sale certificate by paying all taxes and City liens due, including interest and penalties, and:
- (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the Public Officer, stating that the cash or bond adequately covers the cost of the cleanup; or
  - (2) By demonstrating to the satisfaction of the Public Officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-55 as evidenced by significant rehabilitation activity on the property, the Public Officer may grant an extension of time of not more than one hundred twenty (120) calendar days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- B. If the owner has posted cash or a bond in order to have a property removed from the Abandoned Property List and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect

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but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the City, which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

**Section 169-87. Sale of Tax Lien on Abandoned Property; Remediation Costs.**

- A. Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a property is included on the Abandoned Property List and the property taxes or other City liens due on the property are delinquent for six (6) or more quarters as of the date of expiration of the right to appeal the property's inclusion on the List or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the List have been exhausted, then the tax lien on the property may be sold in accordance with the procedures of the Tax Sale Law, N.J.S.A. 54:5-1 et seq., on or after the ninetieth (90<sup>th</sup>) calendar day following the expiration of that time of appeal or final determination on an appeal.
- B. The Public Officer may, at his / her option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the City be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the Abandoned Property List pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the City to guarantee the rehabilitation or repair of the property.

The Public Officer may waive a requirement to post a bond imposed by the City for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Public Officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19-80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property.

The Public Officer may waive a requirement to post a bond imposed by the City for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Public Officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined herein.

The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the Tax Collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of One Thousand Five Hundred Dollars (\$1,500.00) in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67.

The tax sale certificate purchaser, assignee or transferee, with the authority of the City of Somers Point, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance properly endorsed as required by the City, and an indemnification agreement holding the City of Somers Point harmless, have been filed with the Public Officer and with the City Clerk.

If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the City purchases the certificate pursuant to N.J.S.A. 54:5-34, then the City is authorized and empowered to convey and transfer to the City, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the Tax Collector to redeem the tax sale certificate that represents tax or other City lien delinquencies and subsequent City liens, including interest, shall be returned by the Tax Collector.

- C. If the City of Somers Point acquires the tax sale certificate for a property on the Abandoned

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Property List, then, upon ten (10) calendar days written notice to the property owner and any mortgagee of record as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the City shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the Abandoned Property List. No remediation shall be commenced, however, if within that ten (10) day period the owner or mortgagee shall have notified the City in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post a bond in favor of the City of Somers Point in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.

- D. The cost of remediation incurred by the City of Somers Point, or as certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to or after the filing of any lien by the City, except for City taxes, liens and assessments and any lien imposed pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall also be filed and recorded as a lien by the entity incurring the cost with the Atlantic County Clerk.
- E. Failure of an owner or lien holder to cause the removal of a property from the Abandoned Property List within the period of time for appeal of inclusion of the property on the List pursuant to N.J.S.A. 55:19-55, shall be prima facie evidence of the intent of the Owner or lien holder to continue to maintain the Property as Abandoned Property
- F. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this chapter shall be considered a public purpose and public use, for which the power of eminent domain may be lawfully exercised pursuant to N.J.S.A. 55:19-56 (c)(2).

**Section 169-88. Acquisition of Tax Sale Certificate for Abandoned Property; Action to Foreclose Right of Redemption.**

- A. When a person other than the City acquires a tax sale certificate for a property on the Abandoned Property List at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six (6) months following the date of the sale of the tax sale certificate.
- B. When the City is the purchaser at tax sale of any property on the Abandoned Property List pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b. of N.J.S.A. 54:5-77. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
  - (1) Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or
  - (2) Demonstrate to the court that the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56 have been remedied in full.

**Section 169-89. Special tax sale and criteria for bidders.**

- A. The City of Somers Point may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the Abandoned Property List.

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- B. The Public Officer with the approval of City Council shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:
- (1) Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with City plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with City plans and regulations;
  - (2) Commitments by the bidder to take action to foreclose on the tax lien by a date certain; and
  - (3) Such other criteria as the Public Officer with the approval of City Council may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.
- C. The Public Officer with the approval of City Council may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.
- D. The Public Officer with the approval of City Council may combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.
- E. The City Council may sell said properties subject to the provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the City, and any amount paid by the purchaser at the special tax sale shall be forfeit to the City.
- F. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the City may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the City pursuant to this section and their interest in the property or properties reverts to the City, the City may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
- G. The City shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the City pursuant to this section. Nothing shall prohibit the City from holding a special tax sale on the same day as a standard or accelerated tax sale.

**Section 169-90. Expedited action to foreclose right of redemption.**

- A. When a person or entity other than the City of Somers Point acquires a tax sale certificate for a property on the Abandoned Property List at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six (6) months following the date of the sale of the tax sale certificate.
- B. When the City of Somers Point is the purchaser at tax sale of any property on the Abandoned Property List pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b of

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N.J.S.A. 54:5-77.

- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:

(1) Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the Court; or

(2) Demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

**Section 169-91. Abandoned property status during expedited foreclosure.**

- A. If an entity other than the City of Somers Point has purchased or taken assignment from the City of a tax sale certificate on a property that has not been legally occupied for a period of six (6) months that property shall not be added to the Abandoned Property List under the following limited circumstances:

(1) The owner of the certificate has continued to pay all City taxes and liens on the property in the tax year when due; and

(2) The owner of the certificate takes action to initiate foreclosure proceedings within six (6) months after the property is eligible for foreclosure pursuant to either subsection a or subsection b of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

- B. A property used on a seasonal basis shall be deemed abandoned only if it meets any two of the additional criteria set forth in N.J.S.A. 55:19-81.

- C. A determination that a property is abandoned property under the provisions of this chapter and N.J.S.A. 55:19-78 et seq., shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

- D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b of N.J.S.A. 54:5-86, the City Council or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an "abandoned property" according to the criteria established in N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82.

**Section 169-92. Summary action for control and possession of abandoned property to the City.**

- A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the City of Somers Point may be brought by the City in the Superior Court, Atlantic County, pursuant to N.J.S.A. 55:19-84, 85, and 86, for the relief set forth in those statutes .

If the Court shall find that the property is abandoned pursuant to N.J.S.A. 55:19-81 and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, the Court may authorize the City to take possession and control of the property and to develop its own rehabilitation plan for the property.

Where the City has been granted possession and control, the City may commence and maintain further proceedings for the conservation, protection or disposal of the property,

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or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation, and for the sale of the property; provided, however, that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control and possession of the property as permitted by N.J.S.A. 55:19-92.

Failure by the owner, mortgage holder or lienholder to submit a plan for rehabilitation to the City, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding, within the initial six-month period, shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.

B. A complaint filed pursuant to section N.J.S.A. 55:19-84 and subsection (A) of this section shall include:

(1) Documentation that the property is on the City's Abandoned Property List or a certification by the Public Officer that the property is abandoned; and

(2) A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

C. Within ten (10) days of filing a complaint, the plaintiff shall file a notice of lis pendens with the Atlantic County recording officer.

At least thirty (30) days before filing the Complaint, the City shall serve a Notice of Intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six (6) months and of those criteria that led to a determination of abandonment pursuant to N.J.S.A. 55:19-81.

The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate City officials, the City will seek to gain possession of the building to rehabilitate the property and the associated cost shall be a lien against the property, which may be satisfied by the sale of the property, unless the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.

After serving the Notice of Intention pursuant to this subsection, the City may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the court pursuant to N.J.S.A. 55:19-89.

D. An owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to one hundred twenty five percent (125%) of the amount determined by the Public Officer or the Court to be the projected cost of rehabilitation.

Any plan submitted by an owner to defend against a complaint shall be submitted within sixty (60) calendar days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown.



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A plan submitted by an owner pursuant to this section shall include, but not be limited to:

- (1) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
- (2) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
- (3) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
- (4) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

- E. The Court may approve any plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the Complaint.

If the Court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Public Officer to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the City may apply to the Court to have the posted bond forfeited, to transfer possession of the building and property to the City to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide monthly reports to the court and to City Council on its activities and progress toward rehabilitation and reuse of the property.

The court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

- F. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lienholder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within sixty (60) calendar days following the Court's rejection of the owner's plan, unless the Court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lienholder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the Public Officer to act as monitor of compliance with the plan.

The mortgage holder or lienholder, as the case may be, shall provide monthly reports to the Court and the Public Officer on its activities and progress toward rehabilitation and reuse of the property.

- G. If the mortgage holder or lienholder fails to carry out any material step in the approved plan, then the Public Officer shall notify the Court, which may order the posted bond forfeit, grant the City possession of the property, and authorize the City to use the proceeds of the bond for rehabilitation of the property.
- H. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lienholder granted possession of a property, including Court costs

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and reasonable attorney's fees, may be added to the unpaid balance due to that mortgage holder or lienholder, with interest calculated at the same rate set forth in the note or security agreement, or, in the case of a tax lienholder, at the statutory interest rate for subsequent liens.

**Section 169-93. Rehabilitation of Property; Submission of Plan to Court.**

- A. If no mortgage holder or lienholder meets the conditions of N.J.S.A. 55:19-88, then the City shall submit a plan to the court which conforms to the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the City or a qualified rehabilitation entity shall undertake

The rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.

- B. The court shall grant the City possession of the property if it finds that:
- (1) the proposed rehabilitation and reuse of the property is appropriate and beneficial;
  - (2) the City is qualified to undertake the rehabilitation and reuse of the property; and
  - (3) the plan submitted by the City represents a realistic and timely plan for the rehabilitation and reuse of the property.
- C. The City shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the court. In making its findings pursuant to this section, the court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.

**Section 169-94. Exercise of Rights by City to Further Rehabilitation and Reuse of Property; Designation of Qualified Rehabilitation Entity.**

- A. The City Council may exercise its rights under N.J.S.A. 55:19-78 et al. directly, or may designate a qualified rehabilitation entity for the purpose of exercising the City's rights, where that designation will further the rehabilitation and reuse of the property consistent with City plans and objectives. The designation shall be made by a Resolution of City Council.
- B. Regardless of whether the City exercises its rights directly or the City Council designates a qualified rehabilitation entity pursuant to this section, the City shall maintain, safeguard, and maintain insurance on the property while in possession of such property. Notwithstanding the City's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.
- C. If the City has been granted possession of a property, the City shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.
- D. For the purposes of any State program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.
- E. The Court may approve the borrowing of funds by the City to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court must find as follows:

The City sought to obtain the necessary financing from the senior lienholder, *Page 19*

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which declined to provide such financing on reasonable terms;

(2) The City sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and

(3) Lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the Court shall take effect unless recorded with the Clerk of Atlantic County.

- F. Where the City has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide monthly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the property. The City or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the City or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the Court may request that the City designate another qualified rehabilitation entity to exercise its rights, or if the City fails to do so, may terminate the order of possession and return possession and control of the property to its owner.
- G. The Public Officer shall file a notice of completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lienholder, at such time as the City has determined that no more than six (6) months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Public Officer, attesting that the rehabilitation is anticipated to be completed within six (6) months, and a statement setting forth the actions as it plans to undertake consistent with the plan.
- H. Notwithstanding the granting of possession to the City, nothing in this Chapter shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other City liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession. The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

**Section 169-95. Petition for reinstatement of control and possession by owner.**

- A. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one (1) year from the Court's grant of possession, but no later than thirty (30) calendar days after the City of Somers Point has filed a notice of completion with the Court or, in the event the notice of completion is filed within less than one year of the grant of possession, within thirty (30) calendar days after the City has filed said notice.

The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the City or affect any of the terms or conditions under which the City has applied for or received financing for the rehabilitation of the property.

- B. Any petition for reinstatement of the owner's control and possession of the property shall:
- (1) Include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;
  - (2) Provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the City or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
  - (3) Be accompanied by payment equal to the sum of (a) all City liens

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outstanding on the property; (b) all costs incurred by the City in bringing action with respect to the property; (c) any costs incurred by the City not covered by grants or loans to be assumed or repaid pursuant to this section; and (d) any costs remaining to complete rehabilitation and reuse of the property, as determined by the Public Officer, which payment shall be placed in escrow with the Clerk of the Court, County of Atlantic, pending disposition of the petition.

- B. If the owner fails to petition for the reinstatement of control and possession of the property within thirty (3) days after the City has filed a notice of completion or, in any event, within two (2) years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the Court in granting a reinstatement petition, the Court may grant the City title or authorize the City to sell the property, subject to the
- C. provisions of N.J.S.A. 55:19-96.

**Section 169-96. Obligations of Owner Prior to Grant of Petition.**

- A. Prior to the court granting a petition on the part of the owner pursuant to Section 169-95 of this Article, the owner may be required to post a bond or other security in an amount determined by the court, after consultation with the Public Officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the City to make any repair on the property in the event of a code violation which is not corrected in timely fashion by the owner.
- B. The owner may seek approval of the court to be relieved of this requirement after five (5) years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

**Section 169-97. Procedure for City to place liens, obtain title and sell property.**

- A. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the City in connection with any proceeding under N.J.S.A. 55:19-78 et seq., incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a City lien for the purposes of N.J.S.A. 54:5-9, with the rights and status of a City lien pursuant thereto.
- B. Where the City seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve and may place the proceeds of sale in escrow with the Court.
- C. The Court may authorize the City to sell the building and property sell the property to a third party on such terms and at such price as the Court shall approve and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court costs in the order of priority set forth in N.J.S.A. 55:19-97.
- D. The Court may further authorize the City to sell the building and property free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.
- D. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78, et seq. shall be available to the City with respect to any abandoned property, whether or not the City has established an

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Abandoned Property List and whether or not the property at issue has been included on any such List.

**Section 169-98. Eminent Domain Proceedings; Establishment of Fair Market Value.**

- A. With respect to any eminent domain proceeding carried out under section N.J.S.A. 55:19-56, the fair market value of the property shall be determined as provided in N.J.S.A. 55:19-102, established on the basis of an analysis which determines independently:
- (1) The cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs; the realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the City in which the property is located; and
  - (2) The extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined.
  - (3) If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.
- B. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

**Section 169-99. Opposing or Obstructing a Public Officer.**

Any person who opposes, obstructs, resists, or interferes with a Public Officer, City Enforcement Officer, or any person designated by the Public Officer in the discharge of duties as provided in this Article shall be liable to punishment as provided in Article II of Chapter 1 of the Somers Point Municipal Code, or as may be determined by a court of competent jurisdiction.

**SECTION 2:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 3:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 4:** This Ordinance shall take effect upon passage and publication according to law.

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on September 8, 2016 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 22, 2016.

\*\*\*\*\*

**Ordinance No. 16 – First Reading**

M/S- Dill/Toto

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

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City Administrator Swain explained that this enables the City to use remaining previous bond ordinances funds that are either completed or have changed to utilize those funds to award the street program and to ensure the storm water program is addressed.

**Ordinance No. 16 of 2016**

**ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND TAKING RELATED ACTIONS**

**WHEREAS**, the City of Somers Point, County of Atlantic, New Jersey (“**City**”) has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (“**Local Bond Law**”), and Ordinance No. 5-2009, finally adopted on April 23, 2009, Ordinance No. 9-2009, finally adopted on November 12, 2009, Ordinance No. 7-2010, finally adopted on June 24, 2010, Ordinance No. 5-2011, finally adopted on May 26, 2011, Ordinance No. 7-2012, finally adopted on May 10, 2012, as amended by Ordinance No. 13-2012, finally adopted on June 28, 2012, Ordinance No. 12-2012, finally adopted on June 28, 2012, and Ordinance No. 13-2012, finally adopted on July 26, 2012 (the aforesaid Ordinances are hereinafter referred to collectively as the “**Ordinances**”), all having been duly published as required by law, authorized, issued and sold general obligation bonds in the year 2012 (the “**2012 Obligations**”) to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the “**Prior Projects**”); and

**WHEREAS**, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and \$12,029.37 of the proceeds of the sale of the 2012 Obligations for the Prior Projects are not necessary for such purposes and remain unexpended (“**Unexpended Proceeds**”); and

**WHEREAS**, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the City Council of the City (“**Council**”), it is in the best interest of the City, the Unexpended Proceeds may be appropriated to and used to finance the cost of any other purpose or purposes for which bonds may be issued; and

**WHEREAS**, Council has determined that it is in the best interest of the City to appropriate the Unexpended Proceeds towards the costs of additional capital improvements and projects for the City as hereinafter specified.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

**Section 1. Capital Character of Additional Projects; Authorization.** It is hereby determined that the Unexpended Proceeds shall be used to finance improvements to streets and stormwater system improvements including paving, sidewalks, curbing, drainage, signage, surfacing or resurfacing and any related work in the amount of \$12,029.37 (collectively, the “**Additional Projects**”). The Additional Projects constitute purposes for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law. The implementation of the Additional Projects is hereby authorized to be made as general improvements in and for the City.

**Section 2. Appropriation of Unexpended Proceeds.** It is hereby determined that, in the opinion of Council, it is in the best interest of the City to appropriate the Unexpended Proceeds in the amount of **\$12,029.37** under this Ordinance to finance the costs associated with the Additional Projects, and accordingly, said sum is hereby appropriated.

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**Section 3. Capital Budget Amendment.** The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director, Division of Local Government Services, are on file with the City Clerk and are available for public inspection.

**Section 4. No Additional Indebtedness Authorized.** This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such 2012 Obligations were originally issued.

**Section 5. Repeal of Inconsistent Legislation.** All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

\*\*\*\*\*

**Ordinance No. 17 – First Reading**

M/S- Tapp/Dill

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

Again, Mr. Swain explained that this will allow the City to utilize funds left over from items already purchased and/or completed the projects or projects that have not started.

**Ordinance No. 17 of 2016**

**AN ORDINANCE FURTHER AMENDING BOND ORDINANCE NO. 13 OF 2015 ADOPTED APRIL 30, 2015, WHICH PROVIDES FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT**

**WHEREAS**, the City Council of the City of Somers Point, in the County of Atlantic, New Jersey (the “**City**”), heretofore adopted Bond Ordinance No. 13 of 2015, entitled:

“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 OF \$848,350 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF”,

(the “**Original Bond Ordinance**”), pursuant to which the City authorized the issuance of bonds or notes in the aggregate principal amount of \$848,350 for the purpose of financing the costs of various capital improvements and acquisitions; and

**WHEREAS**, by Ordinance No. 9 of 2016, adopted on August 25, 2016 (“**Ordinance No. 9**”), the City amended the description of the vehicles to be purchased by the City pursuant to the Original Bond Ordinance; and

**WHEREAS**, the City now desires to further amend the Original Bond Ordinance to reallocate amounts appropriated in the Original Bond Ordinance as amended by Ordinance No. 9 (collectively, the “**Amended Bond Ordinance**”).

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**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.** Section 3 of the Amended Bond Ordinance shall be and hereby is amended as follows:

Purpose	Original Appropriation and Estimated Cost	Amended Appropriation and Estimated Cost	Original Estimated Maximum Amount of Bonds or	Amended Estimated Maximum Amount of	Period of Usefulness
			Notes	Bonds or Notes	
b.) Acquisition by purchase of a dump truck salt spreader and a dump truck including all attachments and appurtenances applicable thereto.	\$117,000	\$62,000	\$111,150	\$58,900	5 years
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	\$0	\$12,350	\$0	
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	\$518,000	\$427,500	\$492,100	10 years



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**Section 2.** In Section 6(b) of the Amended Bond Ordinance, the average period of usefulness of the improvements or purposes as specified in the Original Bond Ordinance shall be amended from 16.30 years to 16.54years.

**Section 3.** This Ordinance does not authorize any additional indebtedness, but merely amends the Original Bond Ordinance, as amended by Ordinance No. 9, to reappropriate amounts amongst the various capital improvements as specified in the Original Bond Ordinance.

**Section 4.** Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

**Section 5.** All other parts of the Amended Bond Ordinance not otherwise amended hereby shall remain in full force and effect.

**Section 6.** This Ordinance amending the Amended Bond Ordinance shall take effect after the first publication thereof after final adoption as provided by the Local Bond Law of the State of New Jersey.

\*\*\*\*\*

**Public Portion on Resolutions:**

Meeting was opened and duly closed to the public.

\*\*\*\*\*

**Resolutions:**

**Resolution No. 162**

M/S – McGuigan/Dill

The resolution was adopted by roll call vote with Councilman Gerety voting no.

**No. 162 of 2016**

**Subject: Full Time Hiring Emerald Ferguson**

**Introduced By: Councilman D’Adamo**

**WHEREAS**, due to a resignation, it is necessary for the City of Somers Point to consider the hiring of a Clerk Typist 1; and

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

**WHEREAS**, applications for the advertised position were closed on July 29, 2016; and

**WHEREAS**, a review of the applications was completed and interviews of job applicants were conducted by a committee comprised of the City Clerk, Assistant City Administrator and a member of the Personnel Committee; and

**WHEREAS**, the interviewing committee recommends the hiring of Emerald Ferguson; and

**WHEREAS**, adequate funds are available within the City Clerk’s Salaries and Wages Budget of 2016 for this full time hiring.

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

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- 1.) The hiring of Emerald Ferguson to the full time position of Clerk 1, New Jersey Civil Service Local Government Job Specification 01245, within the City Clerk's Department is hereby approved September 8, 2016 with a start date on or before September 26, 2016.
- 2.) The salary of Emerald Ferguson will be \$23,919.00 annually.

\*\*\*\*\*

**Resolution No. 169**

M/S – McGuigan/Dill

The resolution was adopted by a unanimous vote of those present with Councilman Smith recusing himself. Councilman D'Adamo questioned if it is standard to renew for three years. Administrator Swain indicated that it is commonly for three years.

**No. 169 of 2016**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
RENEWING MEMBERSHIP IN THE  
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

**Sponsored by: Councilman Dill**

WHEREAS, the City of Somers Point (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2017 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1 (b) provides that a Contract which exceeds the bid threshold and after documented effort by the contracting agent to secure competitive quotations, a contract for extraordinary unspecifiable services may be awarded by resolution of the governing body upon a determination in writing by the contracting agent that the solicitation of competitive quotations is impracticable.; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

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WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITY'S risk exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have similar exposures to the MUNICIPALITY, and with some of whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

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WHEREAS, the FUND meets the definition of an agency as set forth in *N.J.S.A. 40A:11-5(2)*; and

WHEREAS, renewal of membership in the FUND has been reviewed with the MUNICIPALITY'S appointed Risk Management Consultant;

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as same shall be modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of the City Administrator / Qualified Purchasing Agent of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a brief notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

\*\*\*\*\*

**Resolution No. 170**

M/S – Dill/Toto

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

**No. 170 of 2016**

**Subject:                    Submit Submission of a Grant Application TA-2016-Somers Point- 00027 and Execute a Grant Agreement with the New Jersey Department of Transportation for the Transportation Alternatives Program**

**Introduced by:        Councilmen Dill, Toto and Gerety**

**WHEREAS**, the New Jersey Department of Transportation offers federal Transportation Alternatives Program (TAP) funding to projects that foster more livable communities and promote alternative modes of transportation such as biking and walking; and

**WHEREAS**, special consideration is given to communities that are Transit Villages, Urban Aid communities and municipalities that have adopted Complete Streets policies;

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

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**WHEREAS**, this grant program does not require matching funds; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point formally supports this Transportation Alternatives Program application TA-2016-Somers Point – 00027.

**BE IT FURTHER RESOLVED** that the Mayor and City Administrator are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation for the Transportation Alternatives Program on behalf of the City of Somers Point.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\*\*\*\*\*

**Resolution No. 171**

M/S – Gerety/Dill

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

**No. 171 of 2016**

**Resolution of Support and Authorizing the Filing of an Application for a CDBG Non-Federal Cost Share Program Grant**

**Sponsored by: Council President Tapp**

**WHEREAS**, on August 26, 2016, Governor Christie announced financial assistance for eligible disaster recovery costs to Sandy-impacted municipalities, counties, and school districts in the 9 most impacted counties (Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union); and

**WHEREAS**, the Sandy Recovery Division of the Department of Community Affairs (“NJDCA”) has begun accepting applications for the Non-Federal Cost Share (“Match”) program, funded by the federal Community Development Block Grant (CDBG) Disaster Recovery funds awarded to the State; and

**WHEREAS**, the Match program is intended to provide funding for part, or all, of the 10 percent match required by the FEMA Public Assistance (PA) Program to pay for recovery activities such as debris removal and emergency protective measures undertaken by municipalities, counties or school districts in the immediate aftermath of Superstorm Sandy; and

**WHEREAS**, the eligible disaster recovery project categories under the FEMA PA Program for the local cost share are: Category A (Debris Removal) and Category B (Emergency Protective Measures); and

**WHEREAS**, applications, with appropriate documentation, are due to be filed with NJDCA on or before 5:00 p.m. on Tuesday, October 18, 2016; and

**WHEREAS**, the governing body of the City of Somers Point desires to apply for and obtain a CDBG Non-Federal Cost Share Program grant from the New Jersey Department of Community Affairs (NJDCA) for approximately \$19,664.12 as the City’s 10 percent match required to carry out Category A – Remove Debris and Category B – Emergency Protection Measures.

**THEREFORE, BE IT RESOLVED**, that Governing Body of the City of Somers Point, State of New Jersey, authorize the submission of the aforementioned CDBG Non-Federal Cost Share Program Grant Application; and recognizes and accepts that the NJDCA may offer a lesser or greater amount and therefore, upon receipt of the fully executed agreement from NJDCA, does further authorize the execution from the NJDCA, and does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Somers Point and the NJDCA.

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**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

\*\*\*\*\*

**Resolution No. 172**

M/S – Toto/Dill

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

**No. 172 of 2016**

**Co-Sponsoring with the Somers Point Historical Society the Annual Richard Somers Day Celebration to be held on the grounds of the Richard Somers Memorial Park on September 11, 2016 at 1:00 PM**

**Sponsored by: Councilman Gerety**

**WHEREAS**, Richard Somers was born in Somers Point in 1778, and was the Great grandson of John Somers, the original settler of the area now known as Somers Point; and  
**WHEREAS**, Richard Somers received his warrant as midshipman in the United States Navy in 1798 and rose to the rank of Master Commandant and served during the war between the United States and Tripoli from 1801 to 1805; and  
**WHEREAS**, Master Commandant Richard Somers lost his life aboard the ship Intrepid during a battle in Tripoli harbor in 1804; and  
**WHEREAS**, in recognition of his service to his country and his bravery, numerous memorials were given to Master Commandant Somers, including the honor of having seven ships named USS Somers, and a monument at the US Naval Academy at Annapolis, Maryland; and  
**WHEREAS**, for many years the Somers Point Historical Society has honored the memory of our local hero by commemorating him on Richard Somers Day; and  
**WHEREAS**, the Somers Point Historical Society has requested the City to allow the celebration to be held on the grounds of the Somers Memorial Park; and  
**WHEREAS**, this year the Richard Somers Day Celebration will be held on September 11 commencing at 1:00 PM; and  
**WHEREAS**, the Historical Society has requested the City to co-sponsor the event and; and  
**WHEREAS**, the Governing Body of the City of Somers Point believes it to be in the best interest of our citizens to encourage events such as the Richard Somers Day Celebration; and  
**WHEREAS**, this Governing Body further finds it fitting and proper for this celebration to be held on the grounds of the Richard Somers Memorial Park which the City in 2013 dedicated in honor and memory of Master Commandant Somers whose remains, and the remains of his courageous crew, continue to languish in foreign soil in a cemetery in Libya  
Now, therefore, it is hereby **RESOLVED**, by the City Council of the City of Somers Point that the use of the grounds of the Richard Somers Memorial Park as requested by the Somers Point Historical Society for the Richard Somers Day Celebration is hereby approved; and  
It is further **RESOLVED**, that the Mayor and City Council encourage all of our residents to participate in this celebration in order to learn more about Master Commandant Somers, his crew, the mission of the Intrepid, the historical significance of his actions, and to observe and learn from the Mural on the walls of the Library which depicts events in the Master Commandant's life.

\*\*\*\*\*

**Resolution No. 173**

M/S – Dill/Toto

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

Noting a reduction in the contract, Councilman Dill commended the City Engineer.

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**Subject: Change Order – Sanitary Sewer Gravity Main Contract**

**Introduced by: Councilmen Dill, Toto and Gerety**

**WHEREAS**, in accordance with Resolution 88 of 2015, SWERP, Inc. of Bristol, Pennsylvania was awarded the contract for the 2015 Sanitary Sewer Gravity Main Rehabilitation Project for the sum of \$195,697.50; and

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

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

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

Base Contract	\$195,697.50		
Change order 1 (to reflect as-built quantities)	-\$ 6,240.00		
Revised Contract Amount	\$189,457.50		
Total Deduction: \$6,240.00	Total Additional: \$0	Net Change: -3.19%	

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for 2015 Sanitary Sewer Gravity Main Rehabilitation Project is hereby approved and that the City Administrator is hereby authorized to execute all documents in this regard on behalf of the City.

\*\*\*\*\*

**Resolution No. 174**

M/S – Toto/D’Adamo

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

**No. 174 of 2016**

**Subject: Awarding Bid for the 2016 Road Program**

**Introduced by: Councilmen Dill, Toto and Gerety**

**WHEREAS**, on September 1, 2016 the City of Somers Point received bids for the 2016 Road Program; and

**WHEREAS**, Arawak Paving Co., Inc. Of Hammonton, New Jersey was the lowest responsible bidder; and

**WHEREAS**, the City Engineer’s office has recommended that the City award the base bid and supplemental bid #2 contract to Arawak Paving Co, Inc. of Hammonton, New Jersey in the amount of \$311,400.00 and reject supplemental bid #1.

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

- 1.) The Contract for the 2016 Road Program is hereby awarded to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$311,400.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

\*\*\*\*\*

**Resolution No. 175**

M/S – D’Adamo/Gerety

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

**RESOLUTION NO. 175 OF 2016  
CAPITAL BUDGET AMENDMENT**

Whereas, the local capital budget for the year 2016 was adopted on the 12th day of May, 2016; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore, Be it Resolved, by the City Council of the City of Somers Point, in the County of Atlantic, New Jersey, that the following amendment(s) to the capital budget be made:

RECORDED VOTE  
(Insert Last Names)

AYES

Smith  
McGuigan  
D'Adamo  
Toto  
Gerety  
Dill  
Tapp

NAYS


ABSTAIN

ABSENT

Be it Further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 8th day of September, 2016.

Certified by me this 8th day of September, 2016

  
Lucy Samuelson - City Clerk

\*\*\*\*\*

**Old Business:**

There was no report.

\*\*\*\*\*

**New Business:**

The Governing Body approved the Raffle Application for an on-site 50/50 and another Raffle Application for on premise merchandise for Somers Point Historical Society.

\*\*\*\*\*

**Discussion of Bills**

Administrator Swain reported record of payments on 8/26/16 in the amount of \$ 10,175.00. The bill list dated 9/6/16 is in the amount of \$143,626.01. Councilman McGuigan recused himself from a payment in the amount of \$1,341.25 to Falasca Mechanical.



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\*\*\*\*\*

**Public Portion**

Public portion was duly opened and hearing nothing from the public, it was then closed.

\*\*\*\*\*

**Payment of Bills**

M/S - Toto/Dill

The bills were approved by a unanimous vote of those present with Councilman McGuigan recusing himself as noted in the portion of these minutes "Discussion of Bills". A complete list of bills is on file in the Office of the Municipal Clerk.

\*\*\*\*\*

**Adjournment**

There being no further business to come before Council the meeting was adjourned at 7:45 p.m.

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Respectfully submitted,

Lucy R. Samuelson, RMC  
Municipal Clerk

Approved: 10/27/2016