

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 25, 2023**

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

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

Also Present: Mayor Glasser, Administrator Frost, City Clerk Samuelson, City Solicitor Smith, and City Engineer Schneider

Open Public Meetings Act:

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

On the motion of Council Member Dill, seconded of Council Member Owen and carried to approve the 48-hr. waiver to consider a special presentation form the Somers Point Poetry Society of the poet winners sponsored by the Arts Commission and Proclamation No. 5 Tourette Syndrome Awareness Day.

Special Presentations:

- Somers Point Poetry Society sponsored by the Somers Point Arts Commission recognizing the poetry winners with the theme of Somers Point. The eight grade students of Jordan Road School recited their poems with applause from Mayor Glasser, City Council, and the public. The poems will be posted on the City's website.
Council President Johnston congratulated the students on their creativity.
Council Member McCarrie thought the poems captured the true essence of Somers Point.

- Walt Gregory of the Somers Point Liquor License Owners Association asked for City Council to put forth a resolution opposing the State's new proposed liquor license laws. Council Member Dill believes that the State is overstepping their authority, and he would support a resolution opposing the proposed legislation. Council President Johnston and Council Member McCarrie also agreed.

Communications:

None

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- Cannabis Committee- Council Member DePamphilis shared with City Council, a sample ordinance from Atlantic County that covers the requirements for the requests for proposals (RFP) and could help determine the questions to ask in the application process. Solicitor Smith agreed to create a Somers Point specific sample ordinance.

Approval of Minutes:

On the motion of Council Member Owen, seconded of Council Member Bruno and carried to approve the Regular Meeting Minutes of 5/11/2023.

Proclamations:

City Clerk Samuelsen read aloud the proclamation.

Mayor Glasser presented the framed proclamation to Maria Lynn Sooy and her daughter.

No. 5 of 2023

Subject: Tourette Syndrome Awareness Day

WHEREAS, Tourette Syndrome is an often misunderstood, inherited, neurological disorder characterized by repeated involuntary physical movements and vocal sounds called tics, and 83% of the time, is accompanied by mental health disorders such as ADHD, obsessive compulsive disorder, and anxiety; and

WHEREAS, it is estimated that Tourette Syndrome and tic disorders affect nearly 1 in 50 school-age children throughout every ethnic and racial group, though about half of these children go undiagnosed; and

WHEREAS, there is no cure for TS and no medication available to stop tics completely. In 2018, the State of New Jersey officially declared June 4th as Tourette Syndrome Awareness Day forevermore.

WHEREAS, there is an urgent need for professional education in both the medical and education fields to assist children, adults and families living with Tourette Syndrome and tic disorders, and general awareness to broaden the public's knowledge and decrease the stigma, and

WHEREAS, the New Jersey Center for Tourette Syndrome & Associated Disorders (NJCTS), their Youth Council, partners, and families support ongoing education, advocacy and research.

NOW, THEREFORE, I, John L. Glasser, Jr., by virtue of the authority vested in me as Mayor of the City of Somers Point, County of Atlantic and State of New Jersey, do hereby proclaim June 4, 2023, as Tourette Syndrome Awareness Day to promote understanding,

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WHEREAS, based on the aforesaid recommendations by the Somers Point Police Department, it is the wish of this City Council to amend said ordinance for purposes of clarifying the language of same and set the number of licenses which may be issued to certain applicants.

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:

Chapter 75 of the Code of the City of Somers Point, entitled Alcoholic Beverages; Article I, Licensing Provisions; Section 75-5, Number of Licenses Per Applicant, is hereby amended to read as follows:

A person may individually own or maintain an ownership and/or vested interest in in up to two liquor licenses by virtue of said individual maintaining an ownership and/or vested interest in a corporation, limited liability company, firm partnership, club, association or any legal entity, within the City of Somers Point. Each license shall be issued for one premise only.

SECTION 2:

All other provisions of Chapter 75 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3:

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

SECTION 4:

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

SECTION 5:

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

Ordinance No. 12 of 2023

(First Reading/Introduction)

M/S- Dill/McCarrie

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

No. 12 of 2023

An Ordinance Fixing the Salaries, Wages, and Compensation of the Officers and Employees of the City of Somers Point, County of Atlantic, State of New Jersey.

BE IT ORDAINED by the City Council of the City of Somers Point, New Jersey that the annual wages, salaries and compensation of the Officers and Employees of the City of Somers Point shall be as follows, as of January 1, 2023:

SECTION 1. FULL TIME EMPLOYEES

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Recreation Director	15,000	41,923
Superintendent of Public Works	80,000	122,404
Tax Assessor	40,000	70,000
Tax Collector/Tax Search Officer/Sewer Utility Collector, during first calendar year	50,000	75,848
Tax Collector/Tax Search Officer/Sewer Utility Collector, during second calendar year	75,848	78,365
Tax Collector/Tax Search Officer/Sewer Utility Collector, during third calendar year	78,365	80,932
Waste Water Collection System Operator	5,000	14,193

Each full-time employee shall be paid for overtime, and any other additionally earned compensation, in accordance with his/her employment contract. This may include additional compensation based upon the length of his/her service, at the rate of \$100.00 per year, paid in addition to, and together with his/her salary.

SECTION 2. PART TIME OFFICERS & EMPLOYEES (for full year)

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	15,000
Plumbing Sub-Code Official	7,000	15,000
Fire Sub-Code Official	7,000	15,000
Building Sub-Code Official	7,000	15,000
Building Inspector	per inspection	14.13 30.00
Construction Official	1,000	15,000
Construction Official	per inspection	14.13 30.00
Housing Inspector	1,000	15,000
Floodplain Manager	1,000	15,000
Temporary UCC Sub-code Official	per inspection	14.13 30.00
Code Enforcement Officer	per hour	14.13 30.00
Asst. Code Enforcement Officer	2,500	30,000
Asst. Code Enforcement Officer	per hour	14.13 30.00
Zoning Officer	per hour	14.13 80.00
Clerk-Typist	per hour	14.13 30.00
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	per hour	14.13 30.00
<u>Police Department</u>		
Dispatcher	per hour	14.13 30.00
School Traffic Guard	per day	25.00 75.00
Special Officer	per hour	14.13 30.00
Data Processing Clerk	per hour	14.13 30.00
Clerk Typist	per hour	14.13 30.00

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Fire Chief			Up to 7,000
Deputy Fire Chief			Up to 5,400
Assistant Chief			Up to 3,900
Captain			Up to 3,600
Lieutenant			Up to 3,300
Fire Marshall			Up to 2,500
Fire Marshall	per inspection hour	15.00	30.00
Deputy Fire Marshall			Up to 2,500
Deputy Fire Marshall	per inspection hour	15.00	30.00
Fire Safety Officer			Up to 1,600
Fire Relief		15.00	35.00

Emergency Management

Emergency Management Coordinator			Up to 6,000
Deputy Emergency Management Coordinator			Up to 3,000
Assistant Emergency Management Coordinator			Up to 1,500

Each part time hourly employee shall be paid for overtime at the rate of one and one-half times the employee's straight time hourly rate for all hours of work which are more than eight hours worked in one day or forty hours worked in one week for any such part time work.

SECTION 3. REPEALER

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

Ordinance No. 13 of 2023

(First Reading/Introduction)

M/S- Owen/McCarrie

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

No. 13 of 2023

An Ordinance Approving a Five-Year Short Term Tax Exemption Agreement Between the City of Somers Point and Centre Street Storage LLC for New Commercial Improvements Constructed on Block 1715, Lot 5

WHEREAS pursuant to the authority granted under Article VIII, Section I, Paragraph 6 of the New Jersey Constitution and as permitted by the New Jersey Five Year Tax Exemption and Abatement Law (N.J.S.A. 40A-21.1) the Somers Point City Council adopted Article IV, Chapter 228 of the Somers Point Municipal Code which authorizes the governing body of the City of Somers Point to enter into financial agreements granting tax abatements or exemptions if recommended by the Tax Assessor and evaluated by the City Administrator; and

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Section 6. Upon Final passage of this Ordinance, the City Clerk shall send a certified copy of the Ordinance and a copy of the Financial Agreement to the Atlantic County Counsel and the Chief Financial Officer of the County for informational purposes only.

Section 7. Within 30 days after the execution of the Financial Agreement, the City Clerk shall forward a copy of the agreement to the Director of the Division of Local Government Services in the Department of Community Affairs in compliance with N.J.S.A.40A:21-11d.

Ordinance No. 14 of 2023
(First Reading/Introduction)

M/S- Owen/McCarrie

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

Council Member Dill asked Engineer Schneider if he agrees with this ordinance the way it is now. Engineer Schneider replied that because most of the addressed issues have been revised and that the City needs to adopt this ordinance to stay in the FEMA flood insurance, he recommends adopting this ordinance.

No. 14 of 2023

**Ordinance for Adoption of the Floodplain Management Regulations
of the City of Somers Point**

**An Ordinance by the City Council of the City of Somers Point Amending the City
of Somers Point Code of Ordinances to Repeal Chapter 146; to Adopt a New
Chapter 146; to Adopt Flood Hazard Maps; to Designate a Floodplain
Administrator; and Providing for Severability and an Effective Date.**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Somers Point and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Somers Point was accepted for participation in the National Flood Insurance Program on November 17, 1982 and the City Council of the

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- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
 - F. Contribute to improved construction techniques in the floodplain.
 - G. Minimize damage to public and private facilities and utilities.
 - H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
 - I. Minimize the need for rescue and relief efforts associated with flooding.
 - J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
 - K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
 - L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.
- 146-1.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City of Somers Point administer and enforce the State building codes, the City Council of the City of Somers Point does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.
- 146-1.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 146-3.14 of this ordinance.
- 146-1.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.
- 146-1.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.
- 146-1.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1)

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The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Construction Official's office located at 741 Shore Road, Somers Point, NJ 08244.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

A. Effective Flood Insurance Study. Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, City of Somers Point, New Jersey, Atlantic County" dated May 17, 1982, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 146-2.2(A) whose effective date is November 17, 1982, are hereby adopted by reference.

Table 146-2.2(A)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Revision
3400170001	11/17/1982	B			
3400170002	11/17/1982	B			

B. Federal Best Available Information. The City of Somers Point shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 146-2.2(B)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
		34001C0429G	01/30/2015
34001C0409G	01/30/2015	34001C0436G	01/30/2015
34001C0417G	01/30/2015	34001C0437G	01/30/2015
34001C0428G	01/30/2015		

C. Other Best Available Data. The City of Somers Point shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of Somers Point. Other "best available information" may not be used which results in less restrictive flood

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146-3.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article VII of these regulations.

146-3.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

146-3.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article II of these regulations.

B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.

D. Determine whether additional flood hazard data shall be obtained or developed.

E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.

F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 146-3.14 of these regulations.

G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Article VII of these regulations.

I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

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data and methodologies for determining flood hazard areas and design elevations described in 146-2.2 and 146-2.3 respectively. This information shall be provided to the Construction Official and documented according to Section 146-3.15.

146-3.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

146-3.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

146-3.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

146-3.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

146-3.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

146-3.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

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D. Determine and document whether the proposed work constitutes substantial improvement of repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of one (1) year prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.

E. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

146-3.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

146-3.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for

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regulations shall be drawn to scale and shall include, as applicable to the proposed development:

A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.

B. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 146-5.2.

C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 146-5.2(C) of these regulations.

D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.

E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

G. Extent of any proposed alteration of sand dunes.

H. Existing and proposed alignment of any proposed alteration of a watercourse.

I. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

146-5.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

A. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.

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D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

146-5.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI INSPECTIONS

146-6.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

146-6.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

146-6.3 Buildings and structures. The Construction Official shall make, or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

A. Lowest floor elevation. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 146-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

B. Lowest horizontal structural member. In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 146-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

C. Installation of attendant utilities (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 146-15.2.

D. Final inspection. Prior to the final inspection, certification of the elevation required in Section 146-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

146-6.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine

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E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

F. The compatibility of the proposed development with existing and anticipated development.

G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

H. The safety of access to the property in times of flood for ordinary and emergency vehicles.

I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.

J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

146-7.6 Conditions for issuance. Variances shall only be issued upon:

A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.

B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

ARTICLE VIII VIOLATIONS

146-8.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

146-8.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to

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AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience

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delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones are to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

COASTAL HIGH HAZARD AREA – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEEP FOUNDATIONS – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as

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of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA’s base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure’s lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated

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D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- A. Prior to January 31, 1980; or
- B. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

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beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018, New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping,

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alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

B. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised, and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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146-10.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

B. Residential building lots shall be provided with adequate buildable area outside the floodway.

C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

ARTICLE XI SITE IMPROVEMENT

146-11.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 146-5.3(A) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 146-5.3(A) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 146-15.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13 as of December 2023.

146-11.1.1 Prohibited in floodways. The following are prohibited activities:

A. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.

B. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

146-11.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal A Zones:

A. New buildings shall only be authorized landward of the reach of mean high tide.

B. The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.

C. Basements or enclosures that are below grade on all sides are prohibited.

D. The use of fill for structural support of buildings is prohibited.

146-11.3 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

146-11.4 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

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146-12.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

146-12.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 146-15.2.

146-12.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 146-15.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 146-15.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XIII RECREATIONAL VEHICLES

146-13.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

146-13.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

146-13.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 146-15.2 for habitable buildings and Section 146-12.3.

ARTICLE XIV TANKS

146-14.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

ARTICLE XV OTHER DEVELOPMENT AND BUILDING WORK

146-15.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Section 146-5.3(A) of this ordinance when located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 146-2.3;

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(a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

(b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 146-15.2(A)(4)(b) are met;

(c) Be constructed to meet the requirements of ASCE 24 Chapter 2;

(d) Have openings documented on an Elevation Certificate; and

(e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

[1] The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

[2] The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

[3] The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

B. Construction and Elevation in V Zones and Coastal A Zones.

(1) All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.

(2) All new construction and substantial improvement of any habitable building (as defined in Article IX) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 146-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

(3) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 146-2.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or

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[3] The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

146-15.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

146-15.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 146-5.3(A) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Article VII of this ordinance.

146-15.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 146-5.3(A) of these regulations and N.J.A.C. 7:13.

146-15.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 146-5.3(A) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

146-15.7 Roads and watercourse crossings.

A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed in accordance with N.J.A.C. 7:13 as of December 2023.

B. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 146-5.3(A) of these regulations.

146-15.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

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146-17.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 146-2.3.

146-17.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 146-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

146-17.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 146-15.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

146-17.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 146-2.3.

146-17.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 146-2.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect on June 8th, 2023.

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Total Amount of Omnia Partners Contract R211402,
Warehousing, Material Handling, and Production
Support Related Products and Solutions;
to Global Industrial..... \$21,005.00

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, that the City Administrator, acting in his capacity as Purchasing Agent, shall be and is hereby authorized to execute an agreement with Global Industrial , 11 Harbor Park Drive, Port Washington, NY 11050 in accordance with the Omnia Partners National Purchasing Cooperative for Contract #R211402, for Warehousing, Material Handling, and Production Support Related Products and Solutions contract for use by the City of Somers Point.

Resolution No. 109 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Council President Johnston expressed her gratitude towards the Personnel Committee, Administrator Frost, Solicitor Smith, and everybody involved in the process.

No. 109 of 2023

Subject: Memorandum of Agreement – Teamsters Local 115

Introduced By: Council President Johnston

WHEREAS, the City of Somers Point and the Teamsters Local 115, Somers Point were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1st, 2020 through December 31st, 2022; and

WHEREAS, the City of Somers Point and the Teamsters Local 115, Somers Point entered into negotiations for purposes of entering into a successor agreement; and

WHEREAS, those negotiations have concluded and the terms and conditions have been memorialized in a Memorandum of Agreement which is attached hereto and made a part hereof; and

WHEREAS, the term of the successor agreement shall be from January 1st, 2023 through December 31st, 2025; and

WHEREAS, that Memorandum of Agreement is hereby agreed to by this governing body.

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

1. Mayor John L. Glasser, Jr. is hereby authorized to sign off on the attached Memorandum of Agreement on behalf of the City which will then be incorporated into the full, formal written agreement.

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modified by an agreement currently being negotiated that will have an effective date of January 1, 2023.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point congratulates Dave Unger and wishes him the best of luck in his retirement.

Resolution No. 111 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council President Johnston wished Dave Unger and John Taman a wonderful retirement. Council Member Owen commented that Dave and John will be greatly missed and hard to replace. Mayor Glasser added that the City is lucky to have employees such as these and wished them the best of luck in their retirement.

No. 111 of 2023

Subject: A Resolution Authorizing Agreement with John Taman

Introduced By: Council Members Dill, McGuigan, and McCarrie

WHEREAS, after long and dedicated service to the City of Somers Point, Public Works Laborer – Dept. of Buildings and Grounds, John Taman who has a hire date of September 17th 1984, and shall be retired from the Somers Point Public Works effective May 31st 2023; and

WHEREAS, upon retirement John Taman is entitled to certain items, payments, and benefits in accordance with the agreement effective January 1st, 2020 between the City of Somers Point and Teamsters Local 115 and which may be modified by an agreement currently being negotiated that will have an effective date of January 1st, 2023; and

WHEREAS, the City of Somers Point has determined that John Taman will have an accumulated, reimbursable total of 23.85 days of unused sick leave and 15.53 days of unused vacation days as of the effective date of his retirement; and

WHEREAS, John Taman’s last regular day of work will be on or about May 31st 2023, and he received his last regular pay on May 19th 2023 ; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Teamsters Local 115, the City of Somers Point shall tender to John Taman a lump-sum payment for unused sick leave and authorized leave to John Taman in his retirement as defined in that agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the City Administrator to provide all rights and entitlements to John Taman as enumerated in the agreement effective January 1st, 2020 between the City of Somers Point and Teamsters Local 115 and which may be

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BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 113 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 113 of 2023

Subject: Chapter 159 Resolution – City of Long Beach, et al. v Monsanto Co. Settlement

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$17,414.03 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$17,414.03 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

PCB Class Action Settlement Long Beach V Monsanto \$17,414.03

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$17,414.03 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

PCB Class Action Settlement Long Beach V Monsanto \$17,414.03

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

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No. 115 of 2023

Subject: Chapter 159 Resolution – National Opioids Settlement

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$14,553.30 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$14,553.30 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

National Opioids Settlement \$14,553.30

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$14,533.30 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement \$14,553.30

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 116 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan stated that the Arts Commission is a welcome addition to the City.

No. 116 of 2023

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WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$8,500 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$8,500 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Local Arts Grant: Concerts on the Beach \$8,500

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$8,500 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Local Arts Grant: Concerts on the Beach \$8,500

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 118 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 118 of 2023

Subject: Chapter 159 Resolution – FY 2023 Clean Communities

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any

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municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$500,000 and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$500,000 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

NJDOT Reconstruction of Exton Rd, Bala Dr. & Colwick Dr. \$500,000

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$500,000 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

NJDOT Reconstruction of Exton Rd, Bala Dr. & Colwick Dr. \$500,000

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 120 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 120 of 2023

Subject: Tax Overpayment Refund Block 1211-1 Lot c2402

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

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

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

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Resolution No. 122 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

Solicitor Smith mentioned that this property is currently the subject of a tax appeal, however, that does not affect this ordinance.

No. 122 of 2023

Subject: A Resolution Authorizing the Execution and Delivery of a Memorandum of Understanding and an Escrow Agreement Between the City of Somers Point and AVIA NJ Mays Landing, LLC, a Limited Liability Company Organized and Existing Under the Law of the State of Delaware and Registered to do Business in the State of New Jersey, and Designating AVIA NJ Mays Landing, LLC as Interim Conditional Redeveloper of Block 2020, Lot 3, also known as 900 Mays Landing Road

Introduced By: Council President Johnston

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and

WHEREAS, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an Area in Need of Rehabilitation pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding the that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

WHEREAS, AVIA NJ MAYS LANDING, LLC, a limited liability company organized and existing under the law of the State of Delaware and registered to do business in the State of New Jersey, is the owner of Block 2020 / Lot 3 (the “Owner” and “Proposed Redeveloper”) (and its successors and assigns) (City, Proposed Redeveloper, and the Owner shall be collectively referred to herein as the “Parties”). A true copy of Owner’s Delaware Certificate of Formation is annexed as **Exhibit A**, and a true copy of Owner’s New Jersey Certificate of Registration is annexed as **Exhibit B**; and

WHEREAS, by letter dated April 22, 2022 following several conversations regarding a proposal to repurpose the Subject Property through the process set forth in the Redevelopment Law, a letter and attached project summary overview was submitted by Howard D. Geneslaw, Esq. as Counsel for PEG Companies, an affiliate of Proposed Redeveloper, which set forth the scope of

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It is further **RESOLVED** that no Redevelopment Plan shall be effective until approved by ordinance in the manner provided by law.

Resolution No. 123 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 123 of 2023

Subject: Place to Place Liquor License Transfer

Introduced By: Council President Johnston

WHEREAS, Frog Spring Corporation, Somers Point Liquor License No. 0121-33-011-008 has applied for a place-to-place transfer of said liquor license located at 101 East Maryland Avenue to expand the licensed premises to include adding a semi-enclosed outdoor dining area that will include a cabana-style bar, and the interior bar is being reconfigured with the number of patron seats being reduced from 390 to 375; and

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

WHEREAS, once the Certificate of Occupancy from the Construction Official is received; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the above-mentioned application for a place-to-place transfer to expand the licensed premises of Frog Spring Corporation Somers Point Liquor License No. 0121-33-011-008 is hereby approved.

Resolution No. 124 of 2023

M/S- Owen/Bruno

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan pointed out that New York Avenue is a County road. Engineer Schneider stated that he spoke with the County, and the plan is to install bike lanes, new handicapped ramps, and to resurface the street.

No. 124 of 2023

Subject: Approval to Submit a Grant Application and Execute a Grant Contract with the

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Resolution No. 126 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 126 of 2023

Subject: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of New Jersey Avenue Project

Introduced By: Council Member Dill

NOW, THEREFORE, BE IT RESOLVED that Council of Somers Point formally approves the grant application for the above stated project.; and
BE IT FUTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Reconstruction of New Jersey Avenue-00004 to the New Jersey Department of Transportation on behalf of the City of Somers Point.

BE IT FUTHER RESOLVED that the that 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. 127 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 127 of 2023

Subject: Change Order 1 – Contract No. 119– 2022 Stormwater Cleaning & Video Inspection

Introduced By: Council Member Dill

WHEREAS, in accordance with Resolution 193 of 2022, Mobile Dredging and Video Pipe of Newfield, New Jersey, was awarded the contract for the 2022 Stormwater Cleaning & Video Inspection for the sum of \$104,200.00; and
WHEREAS, during the course of construction changes were made due to reflect as-built quantities; and
WHEREAS, the City Engineer has recommended approval of these changes; and

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hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 129 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

No. 129 of 2023

Subject: Change Order 1 – Contract No. 112– 2021 Road Program

Introduced By: Council Member Dill

WHEREAS, in accordance with Resolution 195 of 2022, Arawak Paving Co., Inc. of Hammonton, New Jersey, was awarded the contract for the 2021 Road Program for the sum of \$826,900.00; and

WHEREAS, during the course of construction changes were made due to additional paving at various locations and to reflect as-built quantities; and

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

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

Contract Amount	\$826,900.00
Change order 1	\$22,423.49
Revised Contract Amount	\$849,223.49

Total Deduction: \$0 Total Additional: \$22,423.49 Net Change: 2.71%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2021 Road Program is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 130 of 2023

M/S- Owen/McCarrie

This resolution was adopted by unanimous vote of those present.

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Introduced By: Council President Johnston

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on January 24th 2023, March 17th 2023, March 21st 2023, April 6th 2023, and May 24th 2023 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of April 1st, 2023 to March 31st, 2024:

a) Alarm, Monitor, Networking and Ancillary Parts, Installation and Service

Priority Protection Services LLC

b) Ceiling's, Flooring, Wall Covering and Partition Material, Materials and

Installation and Services

ERCO

c) Cellular Communications and Mobile Broadband Services

Verizon

d) Concrete and Masonry Service

Landberg Construction

e) City Hall Custodial Services

Offshore Carpet Cleaning and Janitorial

f) Demolition Services

American Demolition

g) Electrical Contractor Services

Electric-Tech, Incorporation

Calvi Electric Company

Hughes Electric

h) Emergency Sewer Pumps and Equipment

Municipal Maintenance Company

Godwin

i) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Incorporation

Ocean Construction

j) Flags Banners and Miscellaneous Display Items

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- Bilmark
Multi-Temp Mechanical
- u) Sewer Pump Station Parts & Supplies**
- KRS Services
Municipal Maintenance Company
EVOQUA
- v) Sewer Pump Station Maintenance**
- KRS Services
McMloskey Mechanical Contractors Incorporation
Municipal Maintenance Company
CW Sales Corporation
A.C Schultes
West Bay Construction, Incorporation
- w) Sewer Pump Stations, Electrical & Electronics**
- KRS Services
Municipal Maintenance Group
- x) Sewer System Coating, Lining & Restoration**
- The Precision Group
Sewer and Water Evaluation and Rehabilitation Procedures
- y) Storm Drain Cleaning and Television Inspection**
- Mobile Dredging and Video Pipe
- z) Recreation Equipment and Installation**
- Ben Shaffer Recreation Incorporation
Green Lane Contractors
BSN Sports
- aa) Roofing Repair and Maintenance**
- Dorothy Gale Roofing
East Coast Contracting Roofing and Siding
KMR Enterprises Inc
Roofmax Exteriors LLC
- bb) Vactor Parts and Service**
- Vacuum Sales Incorporation
- cc) Video Cleaning and Maintenance**

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2022, and \$364.05 for the first quarter of 2023), as well cancel taxes for the second quarter of 2023 in the amount \$364.04; and

WHEREAS, the aforesaid Resolution contained a computational error, with the correct amount of the refund being \$2,331.19; and

WHEREAS, City Council wishes to correct the computational error and amend Resolution 88 of 2023 so as to set forth the correct amount of the refund to be issued to the Burns.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point hereby amends Resolution No. 88 to reflect that the Tax Collector is hereby authorized to issue a tax refund to Francis and Rose M. Burns in the total amount of \$2,331.19 (\$1,967.14 from 2022, and \$364.05 for the first quarter of 2023).

Resolution No. 133 of 2023

M/S- Owen/Bruno

This resolution was not adopted by a roll call vote of those present. The votes recorded as follows:

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

Council Member McGuigan explained that during the Reorganization Meeting, he voted against hiring Mr. Maley because the City already has an Affordable Housing and Fair Housing Act Attorney, and Mr. Maley's hourly rate is higher. He applauded Mayor Glasser for not signing the contract.

Council Member McCarrie concurred with Council Member McGuigan.

Council Member Dill also agrees and unless Mr. Maley is open to his hourly rate being equal to the current attorney, he will vote no.

Council President Johnston clarified that there would not be two attorneys, as this would be a transition and Mr. Maley would only be taking on new work.

Council Member McGuigan indicated that this transition was not discussed and is not reflected in the original resolution.

Council Member Owen stated that he would be voting yes, as it was his understanding that Mr. Maley would only be taking on new work.

Council President Johnston asked Solicitor Smith if it was possible for City Council to now deny Mr. Maley's contract after already approving him.

Solicitor Smith replied yes, City Council can deny the contract as the Mayor declined to sign it and this resolution is to allow Administrator Frost to sign it in the Mayor's place.

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WHEREAS, said COE was for the years 2021 and 2022; and
WHEREAS, Chief Somers has requested an updated COE; and
WHEREAS, the City Council, in recognition of the job performance being provided by the Chief, believes that it is appropriate to update the Chief's COE.
NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the attached Condition of Employment for Chief Robert C. Somers as Chief of Police for the City of Somers Point is hereby authorized and approved.

Old Business:

- Correspondence dated 5/19/2023 from Jayne Meischker, Planning Board Secretary, Regarding Ordinance No. 10 of 2023 – Off Street Parking Requirements for Restaurants. Solicitor Smith reported that the Planning Board agreed to the outlined terms, however, they have a condition that they don't want any current restaurants to be able to make modifications without approval from the Planning Board as well as new site plans. He affirmed that City Council can either pass Ordinance No. 10 of 2023 as is, at the June 22nd meeting, or they can accept the Planning Board's terms and draft an amended ordinance.
Council Member McGuigan questioned what the process would, under the ordinance as is, be for a restaurant that wanted to add seating. Solicitor Smith confirmed that he would obtain further information from the Planning Board.
- Proposed installation of Art Exhibit at Kennedy Park from Chase Jackson, Executive Director of the Ocean City Arts Center.
City Clerk Samuelson detailed that as the Insurance Fund Commissioner, she believes this art installation would expose the City to liabilities and would be better suited at a University, College, or museum, not a playground.
Council Member Dill agreed and expressed his concern about any long-term effects the installation could leave after its removal.
Dan Myers, of the Somers Point Arts Commission, reported that the Ocean City Arts Center has dropped the project.
- Economic Development Advisory Commission (EDAC) Marketing Vendor Discussion. City Council has chosen between two marketing firms, Suasion Communications Group and Performance Marketing. The vote is recorded as follows:
 - McCarrie – Suasion
 - Owen – Performance Marketing
 - McGuigan - Performance Marketing
 - Dill - Performance Marketing
 - Bruno - Suasion
 - DePamphilis - Suasion
 - Johnston - Performance Marketing

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

Payment of Bills:

M/S: Dill/McCarrie

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

Comments from Governing Body:

Administrator Frost extended to City Council an invitation that he has received to participate in the Atlantic Shores Offshore Wind South Project on June 8, 2023, via zoom.

Council Member McCarrie agreed with John Helbig's remarks on transparency and providing information to citizens in a timely manner.

Council Member Dill pointed out that providing information faster may require updating computer systems and the addition of staff members. He believes that the City is doing the best they can with the resources available.

Council President Johnston extended her agreement.

City Clerk Samuelsen clarified that it is not her office that posts anything on the City Website.

Adjournment:

There being no further business to come before City Council, Council Member Owen moved, Council Member McCarrie seconded and carried to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 6/8/2023