## REGULAR MEETING – MAY 7, 2022 – 10:00 AM COUNCIL CHAMBERS – $3^{RD}$ FLOOR - CITY HALL - 233 JFK BOULEVARD

#### AGENDA

CALL TO ORDER
PLEDGE OF ALLEGIANCE AND PRAYER
ROLL CALL
OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT
APPROVAL OF MINUTES
REPORTS-MAYOR & ADMINISTRATION
REPORTS - COUNCIL MEMBERS

**ORDINANCE-** Introduction and First Reading

1682 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 26-27.7 ENTITLED "BUILDING SETBACKS FOR ACCESSORY STRUCTURES" TO AMEND ADDING POOL SETBACK REQUIREMENTS

#### CITIZEN COMMENT ~ Resolution on Consent Agenda

#### **RESOLUTION – Consent Agenda:**

071	Approval of Vouchers
072	Authorizing Cancellation of Water Sewer Excess Charges
073	Approving Flood Insurance Promotion Activity with the Atlantic-Cape Multi-
	Jurisdictional Program for Public Information
074	A Resolution of the Council of the City of Sea Isle City Opposing NJDEP's
	Proposed Coastal Regulations Claiming to Protect Against Climate Threats
	(PACT)
075	Authorizing a Tourism Contract for Excursion Park Concerts
	(Go Events \$116,300)
076	Authorizing Procurement of an Outdoor Water Fountain Based on the Lowest
	Quote (Global, \$2,655.28)
077	Authorizing EMS Billing to Continue Under New Owner Administrative
	Advantage

PENDING BUSINESS NEW BUSINESS CITIZEN COMMENT ADJOURNMENT

#### ORDINANCE NO. 1682 (2022)

# AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 26-27.7 ENTITLED "BUILDING SETBACKS FOR ACCESSORY STRUCTURES" TO AMEND ADDING POOL SETBACK REQUIREMENTS

WHEREAS the City of Sea Isle City was requested by the Planning Board to review the setback requirements for pools in the various zoning districts and all zones; and

WHEREAS, the matter was reviewed by the Council subcommittee and recommended the changes contained in this ordinance, which recommendation is accepted by the Council; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-1 et seq., the City is authorized to enact ordinances relating to the subject of this ordinance where necessary to preserve the public health, safety and general welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2 the City is authorized to enact ordinances for the protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Council of the City of Sea Isle City has deemed it in the best interest of the public health, safety and welfare to amend Chapter 26 of the City Code to regulate the placement of pools differently from other accessory structure setbacks.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

**SECTION I.** Chapter 26 Section 27.7 of the Zoning Ordinances of the City of Sea Isle City, entitled "Building Setbacks for Accessory Structures" is hereby amended to add the following sub section to 26-27.7 (c) as follows:

#### **Added Sub Section:**

c. No inground swimming pool shall be placed nearer to an interior side lot line or rear lot line than three (3) feet or closer than ten (10) feet to the main building in any district. No above ground swimming pool shall be place nearer to an interior side lot line or rear lot line than five (5) feet or closer than ten (10) feet to the main building in any district.

**SECTION II.** Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

**SECTION III.** Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION IV.** Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

	Jack Gibson, Council President	
	Mayor Leonard C. Desiderio	
	Mayor Leonard C. Desiderio	

**I HEREBY CERTIFY THAT** the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 7<sup>th</sup> day of May, 2022 and will be taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 24th day of May, 2022, in City Hall, 3<sup>rd</sup> Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano,	Municipal	Clerk
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#### RESOLUTION NO. 071 2020

WHEREAS, N.J.S.A. 40A:5-17 provides for the approval of claims in manner provides by ordinance; and

WHEREAS, the City Council of Sea Isle
City duly enacted Ordinances which provide a method
for approval of claims, recordation thereof, and the
payment of such claims by the City of Sea Isle City;
and:

WHEREAS, The City Council have reviewed and considered invoices as follows:

#### PREVIOUS PAID BILLS:

SEA ISLE CITY PAYROLL		

388,597.62

VENDOR		AMOUNT
ADVANTAGE RENTAL ANIMAL CONTROL OF SO AT&T MOBILITY PAUL BALDINI PA CAPE MAY COUNTY TRE COMCAST COMPUTER ACCESS & S CHASE BANK CENTRAL JERSEY EQUIP CASA REPORTING SERV CAPE MEDICAL BILLING	ASURER YSTEMS ALT	5.84 4,000.00 1,145.99 19,792.50 4,060,696.94 663.42 747.40 10,400.00 793.63 731.50 478.77
COLLIERS ENGINEERING DEHART, HA & SON DELL COMPUTER ELAVON INC FOLEY INCORP		1,924.76 682.77 46.79 32.62 1,495.38
FORERUNNER INDUSTRI GARDNER HARDWARE GENTILINI FORD GROFF TRACTOR MID AT JOHNSON & TOWERS		16,500.00 147.85 466.74 561.00
JACKSON, PATRICIA LARKIN, MIKE LINCOLN FINANCIAL ADV LET'S PARTY EVENTS	ISOR CORP	30.00 643.89 40,948.00
MASER CONSULTING NJ MOTOR VEHICLE MCNAIR JOHN MID ATLANTIC PESTICIDE		970.00 12,671.50 60.00 200.00 440.00

EQUITABLE LIFE INSURANCE MARMORA HARDWARE	425.50 146.87
NATIONAL INST OF GOVT PURCH	190.00
NATIONAL TIME SYSTEMS	267.00
NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES	4.80
NAPA AUTO PARTS OF SEAVILLE	515.16
OCEAN CITY SENTINAL	274.35
ONE CALL CONCEPTS	122.26
PEDRONI FUEL	2,492.96
PROTECTION ONE ADT	652.36
QUALITY ASSET RECOVERY LLC	105.32
RAGNASOFT INCORPORATED	1,237.00
SURRAN'S NURSERY	450.00
SEA ISLE CITY TRUST ACCT	17,100.00
SEA ISLE CITY BOARD OF ED	152,275.17
SEA ISLE CITY CHAMBER OF COMMERCE	1,000.00
SPARK ELECTRIC SERVICE	170.00
SERVICE TIRE TRUCK CENTER	338.87
SAVASTANO, GEORGE	218.24
STATE OF NEW JERSEY DIV OF PENSION AND BENEFITS	228,898.36
SEA ISLE CITY CAFETERIA PLAN	900.00
SITE ONE LANDSCAPE SUPPLY	518.92
SUN BUM	1,202.11
NESENSOHN, ALAN & GERALDINE	722.54
VAL-U AUTO PARTS VISION BENEFITS OF AMERICA	65.99
VILLAGE PHARMACY	937.13
W.B. MASON	495.00 506.12
WELLS FARGO	1,745.59
LAMM, KENNETH	5,000.00
BELL, MICHAEL	369.53
DIBABBO, ANTHONY	410.35
	+10.55

**RESOLUTION TOTAL:** 

4,985,783.65

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sea Isle City, NJ as follows:

- 1. All of those invoices as set forth above (with the exception of those items containing a line drawn through them and relisted to paragraph 2 below) are hereby approved. The Municipal Clerk is hereby authorized (as per section 6 of Ordinance 716) to indicate said approval on each invoice and to record same in the official minutes.
- 2. All of the following invoices are disapproved by this Council:

#### **VENDOR AMOUNT:**

The Municipal Clerk is hereby directed to appropriately record the disapproval of the invoices noted in this paragraph in the official minutes.

3. All of those invoices listed in the recital as set forth above containing the initials of not more than one council Person immediately to the lest of each line shall be deemed approved (as per paragraph number one above) by a majority vote of the remaining Council members. Those invoices listed in the recital as set forth above containing a line drawn through the vendor's name and amount and relisted in paragraph 2 shall be deemed a rejection of said invoices and shall not be paid.

Recorded Vote:	John C. Gibson, Council President

Council	Yes	No	Abstain	Absent	Moved	Second
Edwardi						
Feeley						
Gibson						
Kehner	<u> </u>					
Tighe						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of Sea Isle City, New Jersey, at the regular meeting held on Saturday, May 7, 2022.

Shannon D. Romano, Municipal Clerl	Shannon	D.	Romano,	Munici	pal	Clerk
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#### CITY OF SEA ISLE CITY NEW JERSEY RESOLUTION NO. 072 (2022)

#### AUTHORIZING CANCELLATION OF UTILITY EXCESS CHARGES

WHEREAS, the Tax Collector has notified the City Clerk of various utility excess charges; and

WHEREAS, the property listed below requested the removal of the excess charge due water leak not entering sewage system

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sea Isle City, County of Cape May, State of New Jersey that the utility department be and is hereby directed to make the cancellation of water and sewer excess charges listed below:

Utility Account ID	Excess Amount Waived	Owner of Property
5689-0	\$1700.83	DUFFNER, ROBERT J & HELEN M. 31 GOLFVIEW ROAD DOYLESTOWN, PA 18901
2895-0	\$322.92	GAULL, FRANCIS L & PATRICIA M 214 57 <sup>TH</sup> STREET EAST SEA ISLE CITY, NJ 08243
5019-0	\$291.22	ERN INVESTMENTS LLC 1761 N ROUTE 9 SWAINTON, NJ 08210

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

John C. Gibson, Council President

#### Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Edwardi			11.			
Feeley						
Gibson						
Kehner					16	
Tighe						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting held on Saturday, May 7, 2022.

Shannon	D.	Romano.	Municipal	Clerk
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#### CITY OF SEA ISLE CITY NEW JERSEY RESOLUTION NO. 073 (2022)

## APPROVING FLOOD INSURANCE PROMOTION ACTIVITY WITH THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION

WHEREAS, as an active participant in FEMA's Community Rating System (CRS) program, the City of Sea Isle City has determined that it is necessary to participate in the New Jersey Coastal Coalition's Atlantic-Cape Multi-Jurisdictional Program for Public Information (MJPPI), consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the City, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

**WHEREAS**, the MJPPI will coordinate all of the flood-related public information in the community and the surrounding areas, both public and private; and

WHEREAS, the MJPPI is being expanded to include the Flood Insurance Promotion CRS activity; and WHEREAS, the City of Sea Isle City will distribute a letter from the governing body to the residents in the Special Flood Hazard Zone and participate in a community outreach meeting to help promote flood insurance; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sea Isle City, in the County of Cape May and State of New Jersey, as follows:

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The City of Sea Isle City hereby formally supports participation in the Flood Insurance Promotion CRS activity as proposed by the updated MJPPI.
- 3. All City officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

#### John C. Gibson, Council President

#### **Recorded Vote:**

Council	Yes	No	Abstain	Absent	Moved	Second
Kehner						
Edwardi						
Feeley						
Gibson						
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I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting held on Saturday, May 7, 2022.

#### **RESOLUTION NO. 074 (2022)**

## A RESOLUTION OF THE COUNCIL OF THE CITY OF SEA ISLE CITY OPPOSING NJDEP'S PROPOSED COASTAL REGULATIONS CLAIMING TO PROTECT AGAINST CLIMATE THREATS (PACT)

- WHEREAS, climate change and sea level rise are a documented threat to New Jersey and its barrier island communities; requiring a thoughtful and well-reasoned response from all levels of government; and
- WHEREAS, Protecting Cape May County's special landforms and coastal waters is of utmost importance to the health safety and welfare of the County's approximate 96,000 full-time and 800,000 summer residents, and our supporting 3,800 +- local businesses; and
- WHEREAS, Governor Murphy has by Executive Order directed the New Jersey Department of Environmental Protection (NJDEP) to research and develop regulations to address the threats from climate change and sea level rise; and
- WHEREAS, NJDEP is planning to adopt new regulations commonly known as the "PACT" regulations ("Protecting Against Climate Threats") that will, if implemented, significantly devalue land and stymie construction in the City of Sea Isle City; and
- WHEREAS, in advance of the proposed NJ PACT regulations being published for public comment and then formally adopted into applicable New Jersey Administrative Codes and Land Use regulations the NJDEP is requiring municipalities to adopt a new statewide Flood Damage Protection Ordinance that would automatically impose the NJ PACT regulations once they are adopted through the State rule making process and not through legislation; and
- WHEREAS, the PACT Rules will require that new construction in flood zones be elevated five (5) feet above the base flood elevation for new construction; and
- **WHEREAS** Elevating new and substantially improved homes an additional five feet will be prohibitively expensive for our residents and may not even be feasible on many sites; and
- WHEREAS, when NJDEP has historically issued new rules, they have been in alignment with corresponding legislation. In this case the rules have been drafted per Governor Murphy's Executive Order 100 in 2020. No legislation has authorized the NJDEP to require more stringent requirements than the land use regulations that are now in place; and
- **WHEREAS**, In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and
- WHEREAS, according to scientific studies commissioned by NJDEP, the prospective five foot freeboard requirement is based on sea level rise projections for the year 2100 that have an occurrence probability of only 17%, and

- **WHEREAS**, Municipalities are required by the Municipal Land Use Law to prepare Master Plans using a 20- or 30-year planning horizon, as a consequence of which the City of Sea Isle City strongly suggests that the State use the same time horizon that municipalities are required by law to use; and
- **WHEREAS**, the science behind these 80-year projections is questionable, and there is little support to regulate development using sea level rise projections 80-years into the future; and
- **WHEREAS**, there has been no public discussion whatsoever concerning the magnitude of the economic impact of these proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts.
- **WHEREAS,** NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and
- WHEREAS, the new model Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard be constructed at least one foot above the Flood Hazard Area Design elevation, that flood permits be required for ordinary maintenance and minor work that does not require a building permit under the Uniform Construction Code, that seasonally occupied structures be built on a foundation even though no such requirement exists in the Uniform Construction Code, among other new regulations.
- **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Sea Isle City opposes the adoption of the PACT Regulations and the State's proposed Flood Damage Protection Ordinance as currently presented; .
- **BE IT FURTHER RESOLVED,** that NJDEP's decision to use sea level rise projections with only a 17% confidence level be subject to a scholarly peer review prior to commencing the rule making process.
- **BE IT FURTHER RESOLVED** that the PACT regulations be based on a 20- or 30-year timeframe and adjusted over time to address then current science and resiliency measures, rather than be based on an 80-year projection.
- **BE IT FURTHER RESOLVED**, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to release of the NJ PACT proposals, so as to better understand the economic impact to coastal communities.
- **BE IT FURTHER RESOLVED**, that the NJDEP follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations will impact specific properties. That NJDEP formally solicit and take into consideration response from all communities affected by NJ PACT prior to adoption.

**BE IT FURTHER RESOLVED** that the Legislature be encouraged to exercise its legislative oversight authority to review and approve the PACT Regulations prior to their adoption so as to ensure the fairness and the maximum public acceptance of those regulations

**BE IT FURTHER RESOLVED,** that the NJDEP abandon all efforts to require the adoption of the current proposed local Flood Damage Protection Ordinance until such time as the NJ PACT regulations are approved by the State Legislature.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vince Polistina, Senator Michael Testa, Assemblyman Don Guardian, Assemblywomen Clair Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to

County of Cape May Board of Commissioners All municipalities within Cape May County New Jersey League of Municipalities Cape May County Chamber of Commerce

John C. Gibson, Council President

#### Recorded Vote:

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Council	Yes	No	Abstain	Absent	Moved	Second
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Feeley	ę		2		9	
Gibson	ě	9				
Kehner		·		1		
Edwardi	1				,	

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting of said Council held on Saturday, May 7, 2022.

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#### RESOLUTION NO. 075 (2022)

#### AUTHORIZING A TOURISM CONTRACT FOR EXCURSION PARK CONCERTS

WHEREAS, Go Events, 915 Alper Center Drive #24101, Henderson, NV 89052 has prepared a formal written contract for excursion park concerts totaling approximately \$116,300.00; and

WHEREAS, Go Events has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form; and

WHEREAS, services such as these rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor are exempt from public bidding as professional services pursuant to N.J.S.A. 40A:11-2(6) and 40A:11-5(1)(a)(i); and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that the Mayor may sign the formal written contract and any addenda that are in the City's best interest; and

BE IT FURTHER RESOLVED that City employees may issue purchase orders to Go Events for approximately \$116,300.00; and

BE IT FURTHER RESOLVED that City employees may issue change orders as necessary that result in minor price increases or decreases to the original anticipated value of purchase orders, or any of their parts, pursuant to N.J.S.A. 5:30-11.4; and

BE IT FURTHER RESOLVED that a brief notice shall be printed once in an official newspaper of the City.

uncommitted/appropriations available in Tourism	O. E. to provide for payment(s).
Cant Tille	
Jennifer McIver, CFO	John C. Gibson, Council President

By signing below, the Chief Financial Officer (CFO) certifies that there are sufficient

#### Recorded vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Gibson	-					
Tighe					g	
Feeley						
Kehner						
Edwardi	15					

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of Sea Isle City at the meeting held on May 7, 2022.

#### RESOLUTION NO. 076 (2022)

### AUTHORIZING PROCUREMENT OF AN OUTDOOR WATER FOUNTAIN BASED ON THE LOWEST QUOTE

WHEREAS, the City of Sea Isle City may require specialized outdoor water fountains for the Marina pickle ball courts; and

WHEREAS, Berl's Commercial Supply offers a lesser model for approximately \$2,957.81 but not the model rated for outdoor use; and

WHEREAS, Global, 11 Harbor Park Dr., Port Washington, NY 11050 offers the model rated for outdoor use for approximately \$2,655.28 (including shipping); and

WHEREAS, Global has previously completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that City employees may issue purchase orders to Global for approximately \$2,655.28; and

BE IT FURTHER RESOLVED that City employees may issue change orders as necessary that result in minor price increases or decreases to the original anticipated value of purchase orders, or any of their parts, pursuant to N.J.S.A. 5:30-11.4.

by signing below, the Chief Financial Officer (CF)	
uncommitted appropriations available in Ordinance	e 1660 to provide for payment(s).
White Males	
Jennifer M¢Iver, CFO	John C. Gibson, Council President
/	

Dr. figning helevy the Chief Einensiel Officer (CEO) and Genetic at the

#### Recorded vote:

Council	. <u>Yes</u>	<u>No</u>	<u>Abstain</u>	Absent	Moved	Second
Gibson						
Tighe						
Feeley						
Kehner			9			
Edwardi				*		

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council or
the City of Sea Isle City at the meeting held on May 7, 2022.

RESOLUTION NO. 077 (2022)

### AUTHORIZING EMS BILLING TO CONTINUE UNDER NEW OWNER ADMINISTRATIVE ADVANTAGE

WHEREAS, the City of Sea Isle City contracted with Cape Professional Billing, Inc., d.b.a. Cape Medical Billing for EMS billing; and

WHEREAS, Cape Professional Billing, Inc. is being acquired by Administrative Advantage, but the same staff are working out of the same building; and

WHEREAS, the City's preference is to continue EMS billing with the new owner under the terms and conditions of the existing contract; and

WHEREAS, Cape Professional Billing, Inc. has prepared a Consent to Transaction for this purpose; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that the Mayor may sign the Consent to Transaction.

John C. Gibson, Council President

#### Recorded vote:

Council	Yes	No	<u>Abstain</u>	Absent	Moved	Second
Gibson					9	
Tighe						
Feeley						
Kehner				e e	-	
Edwardi				=1	-	

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of Sea Isle City at the meeting held on May 7, 2022.