

CITY OF EGG HARBOR

RESOLUTION# _____

RESOLUTION TO ENTER INTO AN AGREEMENT OF SALE WITH NEW JERSEY-AMERICAN WATER COMPANY, INC. FOR THE SALE OF THE WATER AND WASTEWATER ASSETS PURSUANT TO THE WATER INFRASTRUCTURE PROTECTION ACT N.J.S.A. 58:30-1 ET SEQ AND AUTHORIZING THE CITY ENGINEER TO SUBMIT THE PROPOSED USE OF THE PURCHASE PRICE TO THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY AFFAIRS FOR APPROVAL AND AUTHORIZING NEW JERSEY-AMERICAN WATER COMPANY, INC. TO SUBMIT THE AGREEMENT TO THE BPU FOR APPROVAL

WHEREAS, the City of Egg Harbor, New Jersey (“The City”) has entered into negotiations with New Jersey-American Water Company, Inc. (“New Jersey American Water”) for the sale of its water and wastewater assets pursuant to the New Jersey Water Infrastructure Protection Act, N.J.S.A. 58:30-1 et seq.; and

WHEREAS, the City and New Jersey American Water have agreed to the terms of the “Agreement between Egg Harbor City, Atlantic County. New Jersey American Water Company, Inc. for Sale of Systems” (hereinafter the “Agreement”); and

WHEREAS, a public hearing was held on January 27, 2021, at which time the Agreement was made available to the public and public comment was invited; and

WHEREAS, the Mayor and Council of the City have concluded that the sale is in the best interests of the citizens of the City; and

WHEREAS, the Mayor and Council have further concluded that the sale shall enhance the health, safety and welfare of the citizens of the City; and

WHEREAS, New Jersey American Water is a regulated public utility corporation of the State of New Jersey and therefore will need to submit the Agreement to the BPU for approval on behalf of the City; and

WHEREAS, the City will need to submit the proposed use of the purchase price to the Director of the Department of Community Affairs for approval; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City has authority to execute resolutions and ordinances for the general health, welfare and public safety of its residents.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Egg Harbor, that the City Clerk and the Mayor shall be authorized to execute the Agreement substantially in the form on file with the City Clerk with such other changes, insertions and amendments as deemed necessary by the City Solicitor in consultation with City staff and professionals, and that the City engineer shall be authorized to submit the proposed use of the purchase price to the Director of the Department of Community Affairs for approval, and that the City authorizes New Jersey American Water to submit the Agreement to the BPU for approval on its behalf.

Dated:

Meg Steeb, City Clerk

Dated:

Lisa Jiampetti, Mayor of the City of
Egg Harbor

CITY OF EGG HARBOR

Ordinance No. 2 2021

GRANTING CONSENT AND PERMISSION TO NEW JERSEY-AMERICAN WATER COMPANY TO FURNISH POTABLE WATER AND WASTEWATER CONVEYANCE IN THE CITY OF EGG HARBOR CITY, NEW JERSEY

WHEREAS, the City of Egg Harbor City, County of Atlantic and State of New Jersey (the "City"), hereby grants consent and permission to New Jersey-American Water Company ("New Jersey-American"), a New Jersey Corporation to furnish potable water and wastewater conveyance within the City; and

WHEREAS, New Jersey-American is in the process of acquiring the water and wastewater systems (the "Systems") currently owned and operated by the City, subject to regulatory approvals; and

WHEREAS, The City is desirous of having New Jersey-American acquire the Systems; and

WHEREAS, New Jersey-American is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the City to permit New Jersey-American to provide potable water and wastewater conveyance service through the Systems; and

WHEREAS, New Jersey-American has requested the consent of the City as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this ordinance shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

WHEREAS, it is deemed to be in the best interests of the citizens of the City to provide this consent;

WHEREAS, the Mayor and Council of the City have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the City.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY AS FOLLOWS:

Section 1. That exclusive and perpetual consent and permission to furnish water and wastewater conveyance to the City and all residents, businesses and government buildings therein is hereby given and granted to New Jersey-American, its successors and assigns, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is given to New Jersey-American , its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit New Jersey American-Water to own and operate the Systems add to, extend, replace, operate and maintain said Systems in the public property described herein in order to provide said potable water and wastewater conveyance service. This shall include permission to lay pipes beneath the public roads, streets, public property and public places. The public property shall include roads, streets and public places. The privilege granted herein shall include the construction, installation and maintenance of hydrants on and along the roads of the City, as well as streets, parks and public places at locations within the City;

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to the New Jersey-American, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. That the consent granted herein shall be subject to the New Jersey-American complying with all applicable laws of the City and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations.

Section 5. The Mayor and the Clerk of the City are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

Section 5. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

Introduced: February 11, 2021

Publication: February 17, 2021

Public Hearing: March 11, 2021

Adoption:

Meg Steeb, City Clerk

Lisa Jiampetti, Mayor

CITY OF EGG HARBOR
RESOLUTION #-2021

WHEREAS, N.J.S.A.40A:4-59 provides that appropriation transfers may be made during the first three months of the succeeding fiscal year,

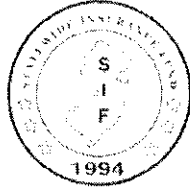
NOW, THEREFORE, BE IT RESOLVED, the following appropriation reserve transfers are made:

| <u>CURRENT FUND</u> | <u>TO</u> | <u>FROM</u> |
|----------------------|-------------------------|-------------------------|
| Legal OE | | 6,500.00 |
| DPW S&W | | 5,000.00 |
| DPW Other Expenses | 6,500.00 | |
| Buildings & Grounds | | |
| Solid Waste Disposal | | |
| Buildings & Grounds | 5,000.00 | |
| Natural Gas | | |
| Total | <u>\$ 11,500.00</u> | <u>\$ 11,500.00</u> |

| <u>UTILITY FUND</u> | <u>TO</u> | <u>FROM</u> |
|---------------------|-------------------------|-------------------------|
| Salaries & Wages | | |
| Other Expenses | | 40,000.00 |
| Engineering | 40,000.00 | |
| Total | <u>\$ 40,000.00</u> | <u>\$ 40,000.00</u> |

Meg Steeb, City Clerk

Dated: March 11, 2021



STATEWIDE INSURANCE FUND

A JOINT INSURANCE FUND SERVING NEW JERSEY'S COMMUNITIES SINCE 1994

One Sylvan Way
Parsippany, New Jersey 07054
862-260-2050 Fax 862-260-2058

RESOLUTION

RESOLUTION IN OPPOSITION TO SENATE BILL S3375

WHEREAS The Statewide Insurance Fund ("Fund") was created to provide a cost-efficient means of supplying workers' compensation benefits to injured municipal and other public employees including emergency volunteers; and

WHEREAS, the Fund is not a traditional, profit-making insurance company, but rather is composed of individual municipalities, counties, municipal utilities authorities and other local government entities whose budgets are all funded by taxpayer or public rate payers; and

WHEREAS, because the Fund's members are funded, in large, by tax dollars, and because the Fund has determined that Senate Bill 3375 will increase workers compensation costs drastically, creating an undo burden to the taxpayers and rate payers of its members; and

WHEREAS, Senate Bill 3375 requires significant changes to the Workers' Compensation Act where current law already has provisions in place to protect injured workers from claim abuse and requires all reasonable and necessary medical care be provided in a timely manner, subject to penalty; and

WHEREAS, Any communications between the patient, a physician, a joint insurance fund, an insurance carrier and its representative, are already governed by Court Rules, the rules of evidence, and both medical and legal ethical standards; and

WHEREAS the hallmark of the New Jersey Workers Compensation Act is the obligation of the employer to provide medical benefits to an injured worker, as long as the injury or illness arises out of and in the course of employment, tantamount with the obligation to provide medical care, is the employer's statutory right to authorize the medical provider and the treatment to be administered. This bill would do nothing more than shift the entire balance of an already equitable system, to one side, to the detriment and greater cost of the employer.

WHEREAS Senate Bill 3375 will not serve the interest of the taxpayers and rate payers in New Jersey because it will increase the costs associated with workers' compensation claims be at least 35% and these costs will be borne by the taxpayers of individual municipalities, counties, municipal utilities authorities and other public rate payers.

NOW, THEREFORE, BE IT RESOLVED by the _____ that is strongly opposes the adoption of Senate Bill 3775 and urges the Governor, State Senators and Assemblymen to protect taxpayers and rate payers from unnecessary and unwarranted charges; and

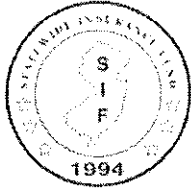
NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be sent to the following:

1. The Honorable Phillip Murphy, Governor;
2. All members of the New Jersey State Senate;
3. All members of the New Jersey State Assembly;
4. Statewide Insurance Fund

CERTIFICATION

I hereby certify the above to be a true and accurate copy of a resolution adopted by the _____ on _____

Clerk



STATEWIDE INSURANCE FUND

A JOINT INSURANCE FUND SERVING NEW JERSEY'S COMMUNITIES SINCE 1994

One Sylvan Way
Parsippany, New Jersey 07054
862-260-2050 Fax 862-260-2058

March 8, 2021

IMPORTANT COMMUNICATION REGARDING PROPOSED NEW JERSEY LEGISLATION THAT WILL SIGNIFICANTLY AFFECT EMPLOYERS IN WORKERS' COMPENSATION MATTERS

Dear Fund Members,

On January 21, 2021, Bill 3375 was introduced to the Senate by Senator Troy Singleton, District 7 (Burlington County) If passed this bill will cause significant consequences for joint insurance funds, third party administrators, managed care organizations and employers in workers' compensation cases. The bill concerns the employer's right to direct medical care, and to control costs of workers' compensation litigation. If enacted it would completely change the practice of workers' compensation law as we know it, while increasing the cost of workers' compensation to both employers, insurance companies and joint insurance funds.

The bill seeks to change several areas of the Workers' Compensation Act involving medical care, litigation costs and attorney's fees, all of which will have a direct financial and legal impact on the workers' compensation system:

- The bill seeks to remove the cap on petitioner attorney fees for any award of compensation by leaving open the final determination of fees to the judge of compensation based upon the work performed that the Judge determined was "necessary and a proper presentation of the case". This discretionary language could lead to abuse of the system in a contested claim and may put the hearing judge in an awkward position by having to decide which side may have acted in good faith in the prosecution or defense of a claim dispute.
- The bill also seeks to remove certain caps on the petitioner's expert fees, and again leaving it to the discretion of the judge of compensation as to what costs were necessary to the claim.
- Another change is the determination of petitioner counsel fees for the prosecution of motions for medical and temporary benefits. The current law allows for fees to be awarded to the successful party of a motion and it is subject to a maximum fee of 20% of the benefits awarded. This fee is generally awarded only in those motions that are fully litigated and with expert testimony. Motions that are resolved without testimony typically generate fees less than 20% and at

the Judge's discretion. This bill seeks to change this practice by awarding a full 20% fee on any motion where medical services are denied or not promptly provided, *in addition to the actual costs in presenting the motion*, including but not limited to the cost of all expert witnesses.

- The most controversial provision of this bill is in the proposed administration of medical treatment. The New Jersey Workers' Compensation Act requires the Employers to provide medical benefits to an injured worker, as long as the injury or illness arises out of and in the course of employment. This is a no-fault system and is considered social legislation which was enacted more than 100 years ago, for the benefit of the employee. Consistent with the legal requirement for the employer to provide medical care to the employee, the employer/joint insurance fund/insurance carrier has the statutory right to authorize the medical provider and the treatment being administered. This bill attempts to place unreasonable limits and restrictions on the employers right of medical authorization, in both the communications between the medical providers and the employer/joint insurance fund/insurance carrier and in the oversight of the medical treatment being provided. The bill would require that all communications between the employer/joint insurance fund/insurance carrier and the medical providers be provided to the injured worker or their legal representative. In the event the joint insurance fund wanted a nurse case manager assigned to a claim, the nurse case manager would be required to obtain approval from the injured worker, or their attorney, to have any communication with the treating physician. This would include attending any appointment, regardless of whether the nurse case manager is requesting to be physically present with the injured worker during the examination, anyway, or to speak with the physician afterwards.
- Once medical treatment and the provider have been authorized, the bill would essentially place an undue burden on the employer/joint insurance fund/insurance carrier from making any attempt to put the brake on excessive and perhaps unnecessary medical treatment. The bill does this by declaring that once medical treatment has been authorized, the employer/joint insurance fund/insurance carrier shall not delay or deny authorization of ANY treatment, diagnostic studies, procedures, therapies or medications recommended by ANY authorized medical provider. To enforce this provision, the bill would require the employer/joint insurance fund/insurance carrier to obtain a court order to deauthorize any authorized medical provider. While the bill does not prohibit the use of second opinions or independent medical exams, the practical effect would have such efforts unnecessarily burdensome and meaningless. For example, in order to question or possibly deauthorize any medical treatment, the bill requires all treatment, testing, or even surgery to continue while the employer/joint insurance fund/insurance carrier would have to schedule an IME, or second opinion that refutes the need to such treatment and have the attorney file a motion with the court to obtain a court order to deauthorize any treatment.

**EGG HARBOR CITY
COUNTY OF ATLANTIC
STATE OF NEW JERSEY**

RESOLUTION

WHEREAS, Mr. Paul A. and Margaret R. D'Ambra purchased the property at Block 321 Lot 7, known as 124 Cincinnati Avenue in Egg Harbor City on August 11, 1986. And,

WHEREAS, Mr. Paul A. D'Ambra has been designated a 100% Disabled Veteran by the United States Department of Veterans Affairs and this designation has been approved by Egg Harbor City Tax Assessor William M. Johnson effective January 1st, 2021 for a Tax Exemption.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Common Council of Egg Harbor City, New Jersey That property taxes be cancelled for the property at Block 321 lot 7, known as 124 Cincinnati Avenue, Egg Harbor City N.J., and that this will be a Tax Exempt property for as long as Mr. Paul D'Ambra owns and resides at this property address.

NOW, THEREFORE, BE IT FURTHER RESOLVED by Mayor and Common Council of Egg Harbor City, New Jersey

EGG HARBOR CITY

**Meg Steeb, RMC
City Clerk**

Dated:_____

Motion:_____ **Seconded:**_____

What does this mean for your town and joint insurance funds in New Jersey? Currently through our medical provider contracts we are saving between 57% and 63% of provider charges each and ever year. That equates to \$4 million to \$7 million dollars per year in savings, depending on claims. Since we will no longer be able to direct the medical care, the manage care contracts will be void and providers will be charging usual and customary fees. Legal costs will increase by shifting the fee for any claim or part of a claim that is contested.

We anticipate that as a result of this bill workers compensation claim cost will go up at **least 35%** and those costs will be borne by the taxpayers of the State of New Jersey.


This bill represents a drastic change to the Workers Compensation Act where current law already has provision in place to protect injured workers from any claim abuse and requires all reasonable and necessary medical care be provided in a timely manner, subject to penalty. The Division of Workers' Compensation has also amended its rules over the years that permits the filing of emergent motions that are addressed immediately by the court when any delay in treatment can cause irreputable harm. The communications between the patient, a physician, a joint insurance fund and an insurance carrier, are already governed by the Court Rules, the rules of evidence, and both medical and legal ethical standards. This bill would only shift the entire balance of an already equitable system, to one side, to the greater cost of the employer.

Statewide Insurance Fund stands in opposition to this bill and it is important that all local units of government, self-insurers, insurance carriers and commercial industry oppose this bill and communicate this opposition with your legislators and Senator Singleton directly.

Attached is a form of resolution for your use. We will keep you apprised of any further developments regarding this bill.

Please feel free to call me if you have any questions or wish to discuss it further.

Sincerely,



Caroline Conboy
Fund Administrator

CC: Risk Management Consultant
w/o attachment

**EGG HARBOR CITY
COUNTY OF ATLANTIC
STATE OF NEW JERSEY**

RESOLUTION

WHEREAS, Mr. Anthony M. Collins Jr. purchased the property at Block 187 Lot 16.04, known as 1709 Liverpool Avenue in Egg Harbor City on August 19, 2019 And,

WHEREAS, Mr. Robert Edward Minor has been designated a 100% Disabled Veteran by the United States Department of Veterans Affairs and this designation has been approved by Egg Harbor City Tax Assessor William M. Johnson on February 25, 2021 for a Tax Exemption.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Common Council of Egg Harbor City, New Jersey That property taxes be cancelled for the property at Block 187 Lot 16.04, known as 1709 Liverpool Avenue, Egg Harbor City N.J., and that this will be a Tax Exempt property for as long as Mr. Anthony M. Collins Jr. owns and resides at this property address.

NOW, THEREFORE, BE IT FURTHER RESOLVED by Mayor and Common Council of Egg Harbor City, New Jersey

EGG HARBOR CITY

**Meg Steeb, RMC
City Clerk**

Dated: _____

Motion: _____ **Seconded:** _____

CITY OF EGG HARBOR

RESOLUTION #81-2019

A RESOLUTION OF THE CITY OF EGG HARBOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE INSTITUTION OF AN *IN REM* TAX FORECLOSURE

WHEREAS, the Tax Collector of the City of Egg Harbor has prepared an *In Rem* tax foreclosure list and has certified the same to the Common Council of Egg Harbor City. This list includes Schedule Numbers one (1) through thirteen (13); and

WHEREAS, N.J.S.A. 54:5-104.35 provides that a governing body, by Resolution, may foreclose on any of the tax sale certificates held, by the summary proceedings *In Rem* as provided in the In Rem Foreclosure Act (P.L. 1948, c.96), and it is the desire of the governing body to institute *in rem* foreclosure proceedings against the properties which are set forth on the Schedule "A" attached hereto; and

WHEREAS, it is not only in the best interest of the City to institute said proceedings, but also is a duty of the governing body; and

WHEREAS, the institution of said *in rem* proceeding will result in revenue to the City of Egg Harbor either by a redemption of the subject properties or their foreclosure and resale by the City of Egg Harbor.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Common Council of Egg Harbor City, County of Atlantic, State of New Jersey as follows:

1. That the governing body does hereby authorize the institution of *in rem* tax foreclosure proceedings in regard to the properties set forth on Schedule "A" attached hereto.
2. That a certified copy of this resolution be forwarded to the Tax Collector and Municipal Attorney.

CERTIFICATION

The foregoing Resolution was duly adopted at a Council Meeting of the City of Egg Harbor held April 11, 2019.

Meg Steeb, RMC
City Clerk

| NAME | BLOCK | LOT | PROPERTY LOCATION | DATE | AMT OF SALE | AMT OF LIENS ACCRUED | REDEMPTION AMT | DATE(S) RECORDED | INSTRUMENT NUMBER (S) |
|------------------------|-------|------|-----------------------|---------------------|-------------|----------------------|----------------|------------------|-------------------------|
| Philadelphia Ave LLC | 318 | 2.02 | 114 Philadelphia Ave | 12/17/2019 | 5851.86 | 8,779.51 | \$ 15,332.19 | 3/6/2020 | 2020013366 |
| Philadelphia Ave LLC | 318 | 2.03 | 116 Philadelphia Ave | 12/18/2018 | 1004.28 | 1,572.12 | \$ 2,576.40 | 4/3/2019 | 2019017675 |
| ly, Bart | 436 | 18 | 150 9th Terrace | 12/18/2018 | 514.31 | 6,548.18 | \$ 7,062.49 | 4/3/2019 | 2019017680 |
| eed | 116 | 1.03 | 1301 3rd Terrace | 12/17/2019 | 6936.9 | 9,353.98 | \$ 17,119.48 | 3/6/2020 | 2020013360 |
| , Mary | 432 | 24 | 229 Chicago Ave | 12/18/18 + 12/17/19 | 4270.25 | 11,976.94 | \$ 16,337.19 | 4/3/19 + 3/6/20 | 2019017679 + 2020013367 |
| sephine | 107 | 18 | 441-451 London Ave | 12/29/1999 | 2640.03 | 116,229.10 | \$ 118,871.59 | 1/17/2014 | 2014003188 |
| Farms, LLC. | 72.07 | 16 | 2029-2059 Bremen Ave | 12/18/2018 | 125.06 | 260.84 | \$ 385.90 | 4/3/2019 | 2019017629 |
| Farms, LLC. | 72.07 | 15 | 2056-2058 Bremen Ave | 12/18/2018 | 95.02 | 130.43 | \$ 225.45 | 4/3/2019 | 2019017628 |
| lbert C. & Joanna | 101 | 1 | 203 White Horse Pike | 12/17/2019 | 2883.77 | 13,890.68 | \$ 17,461.71 | 3/6/2020 | 2020013357 |
| Evangelic Church, Inc. | 307 | 6 | 1220 Philadelphia Ave | 12/20/2016 | 2382.23 | 11,525.15 | \$ 13,907.38 | 2/6/2017 | 2017007261 |
| Joseph | 526 | 18 | 1018 White Horse Pike | 12/17/2013 | 2670.07 | 19,730.81 | \$ 22,400.88 | 1/17/2014 | 2014003196 |
| \ LLC | 107 | 1.02 | 25 White Horse Pike | 12/17/2019 | 2479.12 | 12,355.11 | \$ 14,834.23 | 3/6/2020 | 2020013352 |
| muel & Marian | 722 | 1 | 500 Antwerp Ave | 12/18/18 + 12/17/19 | 4664.51 | 8,062.25 | \$ 12,186.76 | 4/3/19 + 3/6/20 | 2019017751 + 2020013380 |
| ie Gospel, Inc. | 437 | 9.03 | 231 St Louis Ave | 12/18/18 + 12/17/19 | 6034.44 | 1,537.00 | \$ 7,571.44 | 4/3/19 + 3/6/20 | 2019017752 + 2020013371 |
| Richard | 534 | 11 | 1100 Duerer St. | 12/19/17 + 12/17/19 | 3113.54 | 20,212.77 | \$ 23,326.31 | 4/18/18 + 3/6/20 | 2018020704 + 2020013375 |
| Towing LLC. | 527 | 7 | 25 11th Terrace | 12/18/2018 | 340.29 | 1,185.63 | \$ 1,525.92 | 4/3/2019 | 2019017745 |