

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 10, 2019**

Meeting called to order at 8:00 p.m. by President McGuigan with a salute to the flag.

Roll call was recorded as follows:

Present: Dill, Gerety, D' Adamo, Meischker, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, Municipal Clerk Samuelsen, Assistant City Clerk Hornig, Acting Police Chief Somers and Attorney Lafferty

Absent: None

Open Public Meetings Act:

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

Communications:

None

Mayor's Report:

Mayor Glasser reported that the ramp from Rt.52 of the Ocean City Bridge is deteriorating. City Engineer Schneider has requested the New Jersey Department of Transportation (NJDOT) repair the area on Shore Road; however, the NJDOT opines that it is the responsibility of Atlantic County. Mayor Glasser indicated that he plans to forward a letter to the NJDOT requesting the portion of the road be repaired.

Administrator's Report:

City Administrator Swain reported that the City will request an Announcement for Promotional Exam for Police Chief. Once the test is announced, the City may request a waiver of exam since there are only two eligible individuals.

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Solicitor Report:

None

Committee Reports:

None

Approval of Minutes:

The Executive Session of minutes of 12/13/18 as to content only were approved by those present. Council President McGuigan and Councilman Dill were not present during the executive session

Ordinances:

None

Public Portion on Resolutions:

Meeting was opened to the public regarding the Resolutions on the agenda, and hearing no comments, duly closed.

Consent Agenda:

None

RESOLUTIONS:

Resolution No. 39

M/S – Gerety/Toto

Council President McGuigan recused himself and Council President Pro Tempore Tapp called for a motion. Councilman Dill recused himself from voting.

The resolution was adopted by a unanimous vote of those present. Council President McGuigan offered his congratulations.

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No. 39 of 2019

Appointing Captain Robert C. Somers as Acting Chief of Police

Introduced by: Council President Sean McGuigan

WHEREAS, N.J.S.A. 40A:14-118 provides that a municipality may create and establish a police department, providing for a line of authority related to same, and to provide for the appointment of a chief of police and subordinate officers; and

WHEREAS, the City of Somers Point has in fact created a municipal police department by ordinance and has further, within Chapter A267-14, created and established the position of Chief of Police and otherwise designated a chain of command for the Police Department; and

WHEREAS, due to the retirement of Chief Michael Boyd there currently exists a vacancy in the position of Chief of Police; and

WHEREAS, City Council finds it necessary to appoint an Acting Chief of Police until such time as a permanent replacement is appointed.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that Captain Robert C. Somers shall be and is hereby appointed to the position of Acting Chief of Police until such time as either a permanent Chief of Police or replacement Acting Chief of Police is appointed by City Council.

Resolution No. 35

M/S – Gerety/Toto

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

No. 35 of 2019

Subject: Hiring of Victoria Albo to the Position of Police Patrol Officer

Sponsored by: Mayor Glasser

Introduced By: Councilmen Tapp, Meischker and Toto

WHEREAS, due to the retirement of two Police Officers, Acting Police Chief Robert C. Somers has determined that there is a public safety need to hire two replacement Police Officers; and

WHEREAS, Mayor John L. Glasser, Jr. has reviewed the request and has submitted that request to this Governing Body with his full support; and

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WHEREAS, the City of Somers Point desires to act upon the recommendation of the Acting Chief of Police and the Mayor to hire Victoria Albo from the Civil Service list as a full time police officer; and

WHEREAS, the salary and benefits to be paid to the designated officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement, as same may hereafter be supplemented, amended or renewed; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Mayor and City Council acknowledge, authorize and confirm the hiring of Patrol Officer Victoria Albo effective January 11, 2019, subject to the terms and conditions of the Collective Bargaining Agreement in place as same may hereafter be supplemented, amended or renewed.
2. Patrol Officer Victoria Albo will be sworn in by the Mayor on January 11, 2019.
3. Patrol Officer Victoria Albo is approved for and is authorized to attend the Atlantic County Police Academy beginning January 14, 2019.

Resolution No. 36

M/S – Tapp/Dill

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

Council President McGuigan mentioned that he looks forward to Mr. Bryan being part of the Police Department.

No. 36 of 2019

Subject: Hiring of Daniel Bryan III to the Position of Police Patrol Officer

Sponsored by: Mayor Glasser

Introduced By: Councilmen Tapp, Meischker and Toto

WHEREAS, due to the retirement of two Police Officers, Acting Police Chief Robert C. Somers has determined that there is a public safety need to hire two replacement Police Officers; and

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WHEREAS, Mayor John L. Glasser, Jr. has reviewed the request and has submitted that request to this Governing Body with his full support; and

WHEREAS, the City of Somers Point desires to act upon the recommendation of the Acting Chief of Police and the Mayor to hire Daniel Bryan III from the Civil Service list as a full time police officer; and

WHEREAS, the salary and benefits to be paid to the designated officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement, as same may hereafter be supplemented, amended or renewed; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Mayor and City Council acknowledge, authorize and confirm the hiring of Patrol Officer Daniel Bryan III effective January 11, 2019, subject to the terms and conditions of the Collective Bargaining Agreement in place as same may hereafter be supplemented, amended or renewed.
2. Patrol Officer Daniel Bryan III will be sworn in by the Mayor on January 11, 2019.
3. Patrol Officer Daniel Bryan III is approved for and is authorized to attend the Atlantic County Police Academy beginning January 14, 2019.

Resolution No. 37

M/S – Gerety/Toto

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

Administrator Swain noted a correction of 39.16 should be 39.167

No. 37 of 2019

Subject: Authorizing Agreement with Diane Hesley

Introduced By: Councilmen Dill, Meischker and Toto

WHEREAS, after long and dedicated service to the City of Somers Point, Diane Hesley has resigned as Tax Assessor effective January 14, 2019; and

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WHEREAS, upon her honorable resignation Diane Hesley is entitled to certain payments in accordance with the agreement effective January 1, 2012 between the City of Somers Point and Diane Hesley, a copy of which is attached hereto; and

WHEREAS, it has been determined that Diane Hesley is also entitled to salary raises of 2% per year in 2017, 2018 and 2019 which she has not received to date; and

WHEREAS, the City of Somers Point has determined that Diane Hesley will have an accumulated, reimbursable maximum total of 39.167 days of unused sick leave and other compensable leave as of the effective date of her resignation; and

WHEREAS, Diane Hesley's last regular day of work will be January 14, 2019 and she shall receive her last regular pay on January 18, 2019; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Diane Hesley, the City of Somers Point shall tender to Diane Hesley a lump-sum payment for unused sick leave and other compensable leave.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the Mayor to enter into a termination agreement with Diane Hesley in the form attached hereto and made a part hereof, which memorializes all rights and entitlements of the agreement that is also attached to this Resolution and referred to earlier herein.

Resolution No. 38

M/S – Meischker/D'Adamo

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

No. 38 of 2019

Subject: A Resolution to Adjourn to Executive Session to Discuss Pending Litigation Entitled Woytowich v. City of Somers Point, Docket No. ATL-L-002479-18

Introduced By: Council President Sean McGuigan

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

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WHEREAS, the Somers Point City Council has determined that one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on January 10, 2019, during a public meeting to be held commencing at 8:00 P.M, and

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

1 **(7) Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Described as specifically as possible without undermining the need for confidentiality is:**

To discuss with Counsel the issues related to litigation entitled Woytowich v. City of Somers Point, Docket No. ATL-L-002479-18, matters subject to the Attorney-Client Privilege

WHEREAS, the length of the Executive Session is estimated to be approximately 20 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing;

BE IT FURTHER RESOLVED that any blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary):

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Action by Resolution or Order of the Superior Court of State of New Jersey

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BE IT FURTHER RESOLVED that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken at this time

Resolution No. 40

M/S – Gerety/Dill

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

No. 40 of 2019

**Subject: Change Order #1 – Contract No. 44 – FY 2017 State Aid –
Reconstruction of Tenth Street**

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 97 of 2018, Arawak Paving Co., Inc. of Hammonton, NJ was awarded the contract for the FY 20167 State Aid – Reconstruction of 10th Street for the sum of \$245,900.00; and

WHEREAS, during the course of construction changes were made 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:

Base Contract	\$245,900.00	
Change order 1 (to reflect as-built quantities)	\$11,170.70	
Revised Contract Amount	\$257,070.70	
Total Deduction: \$0	Total Additional: \$11,170.70	Net Change: 4.54%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for FY 2017 State Aid – Reconstruction of 10th Street is hereby approved, and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 41

M/S – Toto/Dill

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

No. 41 of 2019

Subject: Awarding Bid for the Pump Station Generator Replacements

Introduced by: Councilmen Dill and Toto

WHEREAS, on January 7, 2019 the City of Somers Point received bids for the Pump Station Generator Replacements project; and

WHEREAS, S. Hughes Electric Co., LLC of Pleasantville, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Sewer Utility Engineer’s office has recommended that the City award the contract to S. Hughes Electric Co., LLC in the amount of \$216,895.00.

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

- 1.) The Contract for the Pump Station Generator Replacements project is hereby awarded to S. Hughes Electric Co., LLC of Pleasantville, New Jersey in the amount of \$216,895.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with S. Hughes Electric Co., LLC, signing on behalf of the City.

Resolution No. 42

M/S – Gerety/Dill

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

No. 42 of 2019

Subject: Acceptance of Bid Authorizing the Sale of Block 1715, Lot 5 also known as 829 Centre Street on the Tax Map of the City of Somers Point

Introduced by: Council President McGuigan

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WHEREAS, on January 8, 2019, the City of Somers Point received a bid for the sale of Block 1715, Lot 5 also known as 829 Centre Street;

WHEREAS, Premier Properties Real Estate, Inc., of Longport, New Jersey was the highest bidder and submitted a check in the amount of 10% (\$7,450.00) of the purchase price of \$74,500.00; and

WHEREAS, the City Administrator’s Office has recommended that the City authorize the sale of said real estate to Premier Properties Real Estate, Inc., in the amount of \$74,500.00

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

- 1.) That Authorization is hereby given to accept the bid of Premier Properties Real Estate, Inc. in the amount of \$74,500.00 according to the terms described in the attached Ordinance 21 of 2018.
- 2.) The Mayor and City Clerk are hereby authorized and directed to sign all necessary documents on behalf of the City.

Old Business:

None

New Business:

Discussion of Bills:

None

Public Portion

Public Portion was duly opened for comments. Hearing nothing from the public, accordingly the public portion was duly closed.

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Payment of Bills

None

City Council adjourned to Executive Session at 8:24 p.m.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 3/14/19