

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 23, 2020**

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

Present: Dill, Johnston, D'Adamo, Toto, Owen, Gerety, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelsen, Deputy City Clerk Heath and Solicitor Thomas Smith

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 Fire Chiefs and a few firefighters of both departments traveled to Wisconsin to review the plans for the new firetrucks that were ordered. Mayor Glasser reported that the annual dinner installation of Volunteer Fire Company No. 1 was a grand affair this past Saturday evening. Mayor Glasser mentioned that the USS Somers Reunion Committee (Committee) will visit Somers Point this September. The Committee is seeking support with the U. S. Navy to name another ship after Richard Somers. The Mayor and City Council discussed former ships that were decommissioned and welcoming the Committee to the City.

Administrator's Report:

Wes Swain, City Administrator, reported that the Annual Debt Statement was filed utilizing the electronic FAST system.

Solicitors Report:

No report

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Committee Reports:

Councilman Gerety reported that the Art Commission was granted permission to use the park in front of the hospital for April in Paris for a display. The Historical Society will hold a luncheon February 1st at the Crab Trap. Councilman Gerety reported that the Linwood Historical Society maritime museum has lost their home, and the Somers Point Historical Society has acquired all their artifacts, which is all local history. Shore Medical Center agreed to display some of the artifacts. Councilmen Gerety and D’Adamo explained that they intend to rotate the items and request the schools to display some items also.

Councilwoman Johnston reported that she and EDAC are working on a master list of city events and requested the Governing Body forward dates of events to her.

Councilman D’Adamo reported that he attended a census meeting and ensured that the County has a current list of contacts for Somers Point. Councilman D’Adamo announced that there is a new telephone scam identifying themselves as the U. S. Census Bureau trying to obtain Social Security numbers and other confidential information. He advised that the U. S. Census Bureau will not ask for sensitive information over the phone.

Council President McGuigan reported that the Budget and Finance Committee will schedule a day to meet with each of the department heads to review their budgets. Also, the COAH Committee will be meeting in the near future.

Approval of Minutes: On the motion of Councilman Dill, seconded of Councilman Toto and carried, the Regular Meeting Minutes of 1/9/2020.

Ordinances:

None

Public Portion on Resolutions:

The Public Portion was duly opened, hearing nothing from the public, it was duly closed.

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Resolution No. 41

M/S- Gerety/Dill

The resolution was adopted by unanimous vote of those present.

No. 41 of 2020

Subject: Change Order #4 – Contract No. 7 – 2017 Sanitary Sewer Gravity Main Rehabilitation

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 60 of 2018, North American Pipeline Services LLC of Freehold, New Jersey was awarded the contract for the 2017 Sanitary Sewer Gravity Main Rehabilitation project for the sum of \$221,862.00; and

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

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

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

Base Contract	\$221,862.00
Previous Change Order #1 (additional heavy cleaning work)	\$14,500.00
Previous Change Order #2 (uniformed traffic directors on State Road)	\$7,825.60
Previous Change Order #3 (mainline grout repair)	\$4,213.00
Change Order #4 (as-built quantities)	(\$17,072.20)
Revised Contract Amount	\$231,328.40

Total Deduction: \$17,072.20 Total Additional: \$26,538.60 Net Change: 4.267%

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 2017 Sanitary Sewer Gravity Main Rehabilitation project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 42

M/S-Toto/D'Adamo

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The resolution was adopted by unanimous vote of those present.

No. 42 of 2020

Subject: Authorizing Advertising Bids for JFK Park Dock Repairs

Introduced by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to repair the dock at JFK Park; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the JFK Park Repairs; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 43

M/S-Gerety/D'Adamo

The resolution was adopted by unanimous vote of those present.

No. 43 of 2020

Subject: A Resolution to Adjourn to Executive Session to Discuss Pending Litigation Entitled Patcong Creek Foundation v. City of Somers Point, Council President Sean McGuigan, Dennis Tapp, Howard Dill, Carl D'Adamo, Kirk Gerety, Janice Johnston & James Toto, Docket No. ATL-L-3261-19

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 23, 2020, during a public meeting to be held commencing at 7:00 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,

**Patcong Creek Foundation v. City of Somers Point, Council President
Sean McGuigan, Dennis Tapp, Howard Dill, Carl D’Adamo, Kirk
Gerety, Janice Johnston & James Toto, Docket No. ATL-L-3261-19
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):

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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

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. 44

M/S- Toto/Gerety

The resolution was adopted by unanimous vote of those present.

City Solicitor Smith indicated that since the Deeds come in late, they are not filed as non-exempt. Tax Assessor Gaskill is attempting to have the Tax Board amend the books.

No. 44 of 2020

Subject: A Resolution Authorizing the Cancellation and Refund of Taxes Pursuant to the Disabled Veterans Act (N.J.S.A. 54:4-3.30, et seq) for Block 1627, Lot 12, Also Known as 1 Merion Drive in the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, Gerard V. Hennessy is the owner of certain lands known as Block 1627, Lot 12 (and more commonly known as 1 Merion Drive) in the City of Somers Point, having purchased same on November 1, 2019; and

WHEREAS, Gerard V. Hennessy, by way of a letter issued by the Department of Veterans Affairs, was deemed to have a wartime service-connected disability with a 100% permanency rating; and

WHEREAS, Gerard V. Hennessy, as a result of receipt of such letter, filed with the Tax Assessor's Office of Somers Point on November 27, 2019, a claim for property tax exemption on the Dwelling of a Disabled Veteran pursuant to the terms of N.J.S.A 54:4-3.30, et seq; and

WHEREAS, the City's Tax Assessor, Sean M. Gaskill, CTA, has determined that Gerard V. Hennessy meets the requirements for tax exemption on the issues of disability, war time service, ownership, residency and citizenship for the aforesaid property as required under the

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Disabled Veteran’s Act (N.J.S.A 54:4-3.30, et seq), and has assigned an exempt status to the property with an effective date of November 27, 2019.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that, to the extent that taxes have been paid on the aforesaid property of 1 Merion Drive, for the period post November 27, 2019, same shall be cancelled, and the Tax Collector of Somers Point, Lisa King, is hereby directed to refund same to Gerard V. Hennessy.

Resolution No. 46

M/S- Toto/Gerety

The resolution was adopted by unanimous vote of those present.

No. 46 of 2020

Subject: A Resolution to Adjourn to Executive Session to Discuss Matters Involving Pending Litigation and Specifically Matters Related to Litigation in the Tax Court Involving 924 Bay, LLC as to Block 1810, Lot 8, also known as 924 Bay Avenue in the City of Somers Point.

Introduced by: Council President 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, and 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

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 September 27, 2018, during a public meeting to be held commencing at 7:00 P.M, and

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

“(7)” Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any 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.

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The specific topics to be discussed are issues related to pending litigation in the Tax Court related to the cases involving 924 Bay, LLC as to its property at Block 1810, Lot 8, also known as 924 Bay Avenue in the City of Somers Point.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 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 the 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).

<u>Subject of Discussion</u>	<u>Estimated Date</u>	<u>Necessary Occurrence</u>
See Exception 7 above. Resolution, if any	Cannot be determined at this time.	City Council approval by

Resolution No. 47

M/S- Gerety/Johnston

The resolution was adopted by unanimous vote of those present.

No. 47 of 2020

Subject: Canceling Outstanding Checks & Bank Reconciliations Items

Introduced by: Council President McGuigan

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WHEREAS, the CFO has determined that certain outstanding checks and bank reconciliation items should be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following outstanding checks and bank reconciliation items are hereby cancelled.

General Account

Check Number	Amount
17360	\$125.00
17674	\$541.93
18386	\$258.00
Total	\$924.93

Payroll - NONE

Check Number	Amount

Resolution No. 48

M/S- Toto/Dill

The resolution was adopted by unanimous vote of those present.

Mr. Swain indicated that the State is requiring this resolution.

No. 48 of 2020

Subject: Certifying that the Egg Harbor Township Emergency Medical Service is Qualified to Provide Emergency Medical Services in the City of Somers Point

Introduced by: Council President McGuigan and Councilman Dill

WHEREAS, the City of Somers Point has entered into a shared service agreement with Egg Harbor Township whereby Egg Harbor Township provides emergency medical services for the City of Somers Point; and

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WHEREAS, Egg Harbor Township has specified that the Egg Harbor Township Emergency Medical Service is fully certified by the New Jersey Department of Health, Office of Emergency Medical Services; and

WHEREAS, by letter dated January 8, 2020, a copy of which is attached hereto and made a part hereof, the Director of the Egg Harbor Township Emergency Medical Service has certified that the personnel and vehicles of the Egg Harbor Township Emergency Medical Service meet the requirements of the Highway Traffic Safety Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that it is hereby certified for 2020 that the Egg Harbor Township Emergency Medical Service is qualified to provide emergency medical services for the City of Somers Point.

Old Business:

None

New Business:

On the motion of Councilman Gerety, seconded of Councilman Toto and carried to approve the Socials Affair Permits for Linwood Public Library on 3/1/2020 and for the Leadership Studio on 2/29/2020.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 1/17/2020 in the amount of \$ 258., and a Record of Payment dated 1/21/2020 in the amount of \$ 147,155.27 and a Bill List dated 1/21/2020 in the amount of \$ 267,141.67

Public Portion

The Public Portion was duly opened.

Shore Medical Center Representative acknowledged and thanked the fantastic service and response of the Volunteer Fire Departments and the Police Department. He mentioned how the

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Police Department’s Good Night Lights Program has made a difference and that the Pediatrics patients and staff looks forward to it every night. On behalf of Shore Medical Center, he extended his thanks and great appreciation for their services. Council President McGuigan thanked him for his kind and thoughtful words.

Ed O’Donnell extended his thanks to everyone who recently helped him. He expressed concerns regarding smoking cigarettes, second-hand smoke and violence in the media.

Hearing nothing further, the Public Portion was duly closed.

Payment of Bills

M/S – Gerety/Toto

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.

Recess:

City Council recessed at 7:42 p.m. prior to going into Executive Session and adjourned at 8:55 p.m.

Resolution No. 45

M/S- Dill/D’Adamo

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

No. 45 of 2020

**Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of 924 Bay, LCC
regarding Block 1810, Lot 8, also known as 924 Bay Avenue in the City of Somers Point**

Introduced by: Council President McGuigan

WHEREAS, a Tax Appeal has been filed on behalf of 924 Bay, LLC for its property located at Block 1810, Lot 8, commonly known as 924 Bay Avenue (hereinafter referred to as “the property”), for the tax years 2016 through 2019 under Docket Numbers 0011910-2016, 005326-2017, 005352-2018 & 007262-2019.

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WHEREAS, Thomas G. Smith, Esquire, Special Tax Counsel for the City of Somers Point, having appeared before Council and recommended a settlement of the tax appeals for the aforesaid property; and

WHEREAS, both the Tax Assessor for the City, Sean Gaskill, CTA, and the City Administrator, Wes Swain, being in agreement on the recommendation of settlement of the above tax appeal matters; and

WHEREAS, the taxpayer, by and through its counsel, is in agreement of the settlement of the above tax matter; and

WHEREAS, City Council is desirous of settling the above referenced Tax Appeals.

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

1. Thomas G. Smith, Esquire, as Special Counsel for the City in the above tax matters, is hereby authorized to settle the above matters as follows:
 - A. Relative to the appeal for the tax years 2016 through 2019 (Docket Numbers 0011910-2016, 005326-2017, 005352-2018, 007262-2019), the original tax assessment figure of \$1,545,600.00 shall be reduced to an assessment figure of \$1,000,000.00;
 - B. The over payment of taxes for the tax years in question shall be refunded within 120 days of entry of judgment in these matters.
 - C. Interest on the overpayment will be waived by the taxpayer.
 - D. The assessment for the tax year 2020 shall be reduced to \$550,000.00, with the "Freeze Act" to apply.
2. Thomas G. Smith, Esquire, is hereby authorized to execute, for filing with the Court, the appropriate settlement documents.
3. This Resolution shall take effect immediately.

Adjournment

There being no further business to come before Council, Councilman Gerety moved, Councilman Dill seconded and carried to adjourn the meeting at 8:59 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 2/13/2020