

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 25, 2018**

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, Gerety, D' Adamo, Meischker, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Municipal Clerk Samuelsen, Attorney Lafferty and Engineer Schneider

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:

The Mayor met with Marco Polo to discuss signage for Purple Heart Way Bike Path. This past Saturday evening, Mayor Glasser was honored to attend the annual installation dinner with other dignitaries, and as always it was a wonderful evening.

Administrator's Report:

None

Solicitor's Report:

Attorney Lafferty explained that the Federal Tax Act allowed taxpayers to prepay their property taxes for a \$10,000.00 income tax deduction. Even though Lisa King, CTC, Tax Collector,

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cautioned taxpayers, many Somers Point taxpayers prepaid their property taxes; however, the I.R.S. is not allowing the tax deduction, because the tax levy hasn't been levied for 2018. Taxpayers may come to Tax Collector King and request a refund; however, refunds to taxpayers that hold a mortgage, must be refunded to the mortgage company. Attorney Lafferty mentions that until the end of the tax year, the City will not know if there was an actual overpayment. Administrator Swain, Tax Collector King and Attorney Lafferty will meet and forward an opinion to City Council for their consideration in formulating a policy.

Committee Reports:

None

Approval of Minutes:

M/S – Tapp/Toto

The Regular Minutes of 8/24/17 and the Executive Session minutes of 3/23/17 and 10/12/17 (as to content only) were approved by a unanimous vote of those present with Councilman Tapp abstaining from the Regular Minutes of 8/24/17 and Councilman Meischker abstaining from all s of the minutes.

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

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RESOLUTIONS:

Resolution No. 40

M/S – Toto/D’Adamo

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

No. 40 of 2018

Subject: Authorizing the Execution of an Amendment/Modification of the National Fish and Wildlife Foundation Building Ecological Solutions to Coastal Community Hazards Grant

Introduced By: Councilmen Dill, D’Adamo and Meischker

Whereas, the City of Somers Point has received a National Fish and Wildlife Foundation Building Ecological Solutions to Coastal Community Hazards Grant through the New Jersey Department of Environmental Protection, Contract Number CP15-043; and

Whereas, the City was awarded Grant Program funds of \$125,000, with a local share for this grant of \$62,500; and

Whereas, Amendment #5 for this grant contract adds \$60,309 of Grant Program funds; and

Whereas, the amended Grant Program funds award is \$185,609, with the local share for this grant remaining \$62,500.

Now Therefore, Be It Resolved that the City Council of the City of Somers Point hereby authorizes Mayor John L. Glasser, Jr. to execute the grant agreement Amendment/Modification Form for Amendment #5 for this grant along with any other associated documents that may be necessary in this regard on behalf of the City.

Resolution No. 41

M/S – Toto/Gerety

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

No. 41 of 2018

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Subject: A Resolution Approving Participation with the State of New Jersey Safe and Secure Communities Program Administered by the Division of Criminal Justice, Department of Law and Public Safety

Introduced By: Councilmen Dill, D'Adamo and Meischker

WHEREAS, the City of Somers Point application for funding for a project under the Safe and Secure Communities Program (Grant #18-0121) has been accepted; and

WHEREAS, the Safe and Secure Communities Program is a program of the State of New Jersey Department of Law and Public Safety, Division of Criminal Justice.

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

- 1) The project is a joint effort between the Department of Law and Public Safety and the City of Somers Point for the purpose described in the application.
- 2) The Safe and Secure Communities Program Grant #18-0121 is for the period beginning in August 1, 2017 through July 31, 2018.
- 3) The City of Somers Point is authorized to accept, and does accept this grant award.
- 4) The amount of the grant is \$23,373.00 and the cash match by the City of Somers Point is \$186,654.00 for a total project cost of \$210,027.00.
- 5) The grant funds of \$23,373.00 are accepted for the purpose described in the grant application.
- 6) The Mayor and City Administrator are hereby authorized and directed to sign, complete and file all necessary documents in connection with this award on behalf of the City.

Resolution No. 42

M/S – Gerety/Tapp

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

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No. 42 of 2018 (amending Resolution No. 31 of 2018)

Subject: Somers Point Arts Commission
Introduced by: Councilmen Tapp and Gerety

WHEREAS, the Somers Point Arts Commission was established by Ordinance No. 13 of 2006; and

WHEREAS, vacancies exist on the Somers Point Arts Commission due to the expiration of the terms of the members.

NOW, THEREFORE, BE IT RESOLVED that the following members are hereby appointed with their terms expiring December 31, 2018:

Kathleen Arleth
Anna Swift
Dan Meyers
Donna Mohr
Christine Toland Ulrich

Kim Bray
Lois Hirschman Gregory
Vacancy
Vacancy
Vacancy

Resolution No. 43

M/S – Tapp/D’Adamo

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

No. 43 of 2018

Subject: Tax Overpayment Refund
Introduced by: Council President McGuigan

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 paid by the homeowner and by the mortgage company creating an overpayment on the 4th quarter 2017 and;

WHEREAS, the mortgage company has requested the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the mortgage company.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

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Block	Lot	Previous Property Owner	Amount	Year
1920	17	Kelly Loades & Christopher Dibona	\$1,112.76	2017
			Total:	\$1,112.76

Resolution No. 44

M/S – Toto/Gerety

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

No. 44 of 2018

Subject: Tax Overpayment Refund
Introduced by: Council President McGuigan

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 paid by the homeowner and by the mortgage company creating an overpayment on the 1st quarter 2016 and;

WHEREAS, Demetrio J. Lebron has requested the overpayment be refunded to him.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to Demetrio J. Lebron.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Previous Property Owner	Amount	Year
1523	9.02	Demetrio J. Lebron	\$1,335.54	2016
			Total:	\$1,335.54

Resolution No. 45

M/S – Toto/Gerety

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

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No. 45 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss the Higbee Pier Dredging and Resiliency Bid Challenge and Potential Litigation

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

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 25, 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) 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.

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(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. Subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

TO DISCUSS WITH COUNSEL THE BID CHALLENGE RELATED TO THE HIGBEE PIER DREDGING AND RESILIENCY EMBANKMENT PROJECT AND POTENTIAL LITIGATION, A MATTER 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;

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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

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

Old Business:

None

New Business:

None

Discussion of Bills:

Administrator Swain reported a bill list dated 1/23/18 in the amount of \$2,973,58.83 along with a record of payment of \$3,750.00 dated 1/12/18. City Councilman Meischker motioned to remove two bills payable to Joel Fleishman, Esq., totaling \$10,760.96 until the Planning Board can clarify the charges, seconded by Councilman Tapp and carried.

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Public Portion

Public Portion was duly opened for comments.

Ted Faxon of Wickberg Marine Contracting, Inc., addressed his concern regarding his bid proposal and requested a copy of the bid protest for Higbee Pier Dredging & Resiliency Embankment project. Mr. Lafferty directed him to the City Clerk's Office to complete an Open Public Request PRA form for the record. Additionally, Mr. Baxon offered to honor his proposal pricing until the next season.

Hearing nothing further from the public, accordingly the public portion was duly closed.

Payment of Bills

M/S – Gerety/D'Adamo

The bill list (as amended) 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 7:30 p.m. and then went into Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 2/8/18