

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

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, Johnston, D'Adamo, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Deputy City Clerk Heath, and Attorney Lafferty

Absent:

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.

Public Portion (Resolutions)

The meeting was opened to the public, for consideration of Resolution Number 202 of 2019, hearing nothing from the public, the public portion was duly closed.

Resolutions:

Resolution No. 202 of 2019

M/S – Gerety/Toto

The resolution was adopted by a vote of those present.

Mayor Glasser recognized Donna Mohr, Chair of Historic Commission, in the audience and Sally Hastings, President of the Historical Society. He commended them for their hard work to maintain the history and educate the public of our rich history. Mayor Glasser and Councilman Gerety proudly presented Donna Mohr and Sally Hastings with the resolution that was met with a round of applause.

No. 202 of 2019

Subject: Saluting the 30th Anniversary of the Listing of The Bay Front Historic District on the State and National Registers of Historic Places.

WHEREAS, the National Register of Historic Places is the official list of our country's historic buildings, districts, sites, structures, and objects worthy of preservation. It

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was established as part of the National Historic Preservation Act of 1966 and is overseen by the National Park Service. The National Register recognizes properties for their significance in American history, architecture, art, archeology, engineering, and culture; and

WHEREAS, listing historic properties in the National Register encourages their preservation and marks them as important touchstones of our shared heritage; and

WHEREAS, Somers Point has a rich and storied history that includes the founding of Somerset Plantation which was settled in the late 1600's, the construction of Somers Mansion in 1725, favorite son Richard Somers' heroic Naval career, and its development as a ship building port and fishing town; and

WHEREAS, after a tremendous amount of effort and research, the Bay Front Historic District of Somers Point was listed on the National Register of Historic Places in 1989; and

WHEREAS, the Bay Front Historic District, with its special and unique charm, is very integral to the history of our City; and

WHEREAS, the Somers Point Historic Preservation Commission has, since its inception, been the steward of the District, with its volunteer members working to preserve and protect the historical nature of the area; and

WHEREAS, the Somers Point Historical Society also works diligently to preserve all facets of our local history and maintains a museum dedicated to that history.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby wishes to acknowledge and celebrate this 30th Anniversary of the official recognition of the Bay Front Historic District and salute those who have worked tirelessly to establish and preserve it for all to enjoy.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point pledges to continue to safeguard the heritage of the City by preserving that part of the City which reflects elements of its cultural, social, economic and architectural history and to promote the use of the historic area for the education, pleasure and welfare of the citizens of the City and its visitors.

Communications:

None

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Mayor's Report:

Mayor Glasser attended an event held by the Patriots for Somers Mansion, and commended them for holding a successful event that will benefit Somers Mansion. Mayor Glasser stated that the Veterans Advisory Board is sponsoring the Veterans Day Service on 11/11/19 at 11:00 a.m. at Patriots Park. Mayor Glasser announced that Trunk or Treat is 10/18/19 from 6:00 p.m. to 8:00 p.m. in the City Hall parking lot with a rain date of 10/19/19. Mayor Glasser attended the "Lights Out Program" that started last Tuesday night that involves the Police Department vehicles and the firetrucks parking at Shore Medical Center near the Pediatrics Wing with their lights flashing. The children inside had flashlights beaming out the windows. Mayor Glasser commended Chief Somers, the Police Department and the volunteer fire companies for their involvement. The Lights Out Program happens every night at 8:30 p.m. Mayor Glasser read a thank you letter from the residents of Stanford Road.

Administrator's Report:

None

Solicitors Report:

None

Committee Reports:

None

Approval of Minutes:

On the motion of Councilman Dill, seconded of Councilwoman Johnston and carried to approve the Regular Meeting Minutes of 10/10/2019 with Council President McGuigan recusing himself.

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Ordinances:

Ordinance No. 15 of 2019

(Second Reading/Public Hearing/Adoption)

Public Hearing was duly opened, hearing nothing from the public, the hearing was duly closed. The ordinance was adopted by unanimous vote of those present.

Ordinance No. 15 of 2019

AN ORDINANCE REPEALING ORDINANCE NO. 17 OF 2017 ENTITLED, IN PART "AN ORDINANCE ENACTED UNDER AUTHORITY OF N.J.S.A. 39: 4-197.6. AND N.J.S.A. 39: 4-197.7" ESTABLISHING RESTRICTED PARKING IN FRONT OF ONE (1) RESIDENCE FOR USE BY A HANDICAPPED RESIDENT

WHEREAS, N.J.S.A. 39:4-197.6. authorizes a Municipality, by Ordinance, to establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person; and

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a Municipality, by ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code "Restricted parking zones authorized; conditions" sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code "Restricted parking zones authorized; conditions" sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and

WHEREAS, a request was submitted to the Mayor and City Clerk on behalf of Maxwell Greenstein stating the need for a Handicapped Parking Space in front of his residence at 100 Shore Road, Apartment F, Somers Point, NJ; and

WHEREAS, premised upon said request the City of Somers Point did adopt and enact Ordinance 17 of 2017 granting and establishing a Restricted Parking Zone as had been requested; and

WHEREAS, Mr. Greenstein unfortunately has passed away and the need for said Restricted Parking Zone no longer exists.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that:

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Section 1: Ordinance No. 17 of 2017 adopted October 12, 2017 is hereby repealed as it pertains to Maxwell Greenstein, 100 Shore Road, Apartment F, Somers Point, NJ

Section 2: The Department of Public Works is hereby directed to remove all signage for the spaces as directed by said Ordinance.

Section 3: All ordinances inconsistent herewith are hereby repealed.

Section 4: This Ordinance shall take effect immediately upon passage and publication as provided by law.

Public Portion (Resolutions)

The meeting was opened to the public, for consideration of the remaining resolutions, hearing nothing from the public, the public portion was duly closed.

Resolutions:

Resolution No. 195 of 2019

M/S – Toto/Gerety

The resolution was adopted by a vote of those present.

No. 195 of 2019

Subject: Authorizing Lease with Atlantic County Library

Introduced By: Council President McGuigan

WHEREAS, the Somers Point Branch of the Atlantic County Library has been situated at 801 Shore Road; and

WHEREAS, Atlantic County has proposed a form of lease between the City of Somers Point and the County of Atlantic for the property situated at 801 Shore Road for use as the Somers Point Branch of the Atlantic County Library system; and

WHEREAS, the City of Somers Point desires to lease the property to the County of Atlantic for the period commencing January 1, 2019 through December 31,

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2019 with an option to renew for an additional term of one (1) year through December 31, 2020.

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

1. The Mayor is hereby authorized and directed to execute the lease between the County of Atlantic and the City of Somers Point in a form acceptable to the City Solicitor for the
2. period commencing January 1, 2019, through December 31, 2019, with an option to renew for an additional term of one (1) year through December 31, 2020.
3. Upon its execution, a copy of the lease will be attached hereto and made a part hereof.

Resolution No. 196 of 2019

M/S – Gerety/Toto

The resolution was adopted by a vote of those present.

Council President McGuigan mentioned that he is looking forward to the upcoming program and commended the volunteers for their efforts.

No. 196 of 2019

Subject: Resolution Approving Program of Activities to be Undertaken by the Somers Point Arts Commission During Calendar Year 2020

Introduced by: Councilman McGuigan

WHEREAS, Somers Point Municipal Code Section 2-18 provides that no implementation of any call for action or any report and recommendation by the Arts Commission to City Council shall take place or have any status as action by the City or a report of the City or a policy of the City, unless and until accepted and approved by City Council by resolution, and City Council in its discretion may decline to act, accept or approve, or may act upon, accept or approve, any portion or the whole, as it desires and determines; and

WHEREAS, during a regularly scheduled meeting of the Somers Point City Council held on September 26, 2019, Ms. Kathleen Arleth, Chair of the Somers Point Art Commission, made a report to City Council and provided a list of programs and events

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proposed to be held or sponsored by the Somers Point Arts Commission during 2020:
and

WHEREAS, due to the need to properly plan for the implementation of those events, on behalf of the Arts Commission Chairperson Arleth requested that the governing body review and approve the slate of proposed events as submitted; and

WHEREAS, it was the unanimous consensus of the governing body that the proposed list of events and programs be approved and authorized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following programs and events proposed by the Somers Point Arts Commission to be held during 2020:

- Arts Reach Out: programs for after school instruction, instruction for Senior citizens, and additional art instructional programs using available community resources;
- Art in the Park: exhibition of amateur and professional artists, including art created by the children in the after-school program, and musical performances to be held at Kennedy Park on a bluff overlooking Great Egg Harbor Bay;
- April in Paris: Spring Evening of Spoken Word and Music, fifth annual event, several presenting poets and music that complements the April in Paris Week theme. Light buffet served at Great Bay Country Club
- Love the Arts in Somers Point which is a celebration of the prior year's Arts Commission endeavors and a roll out of the programs planned for the coming year; and includes
 -
 - various exhibitions and recognition of sponsors and supporters, 5th annual event that brings families and community members together
- Fall Film Nights: 5th annual event at Great Bay County Club presenting two films – one food theme and other jazz theme to introduce the annual Jazz Festival in October, light fare relating to the film themes are included
- Summer Performance: outdoor setting at Kennedy Park on a summer's evening, free and open to the public
- Partners/Membership/Sponsors: Member of Somers Point Business Association and South Jersey Jazz Society that increases arts events visibility, promotions and cost sharing. It assists in a great amount of publicity
- April in Park Week in Somers Point: brings multi-disciplinary artist events to Somers Point

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It is further **RESOLVED** that within the framework of this authorization, the Chairperson of the Arts Commission will from time to time provide updates to City Council regarding the proposed programs and events and any suggested additional events, programs or venues; and

It is further **RESOLVED** the Mayor and Council express their appreciation to the members of the Arts Commission for their time and dedication in providing our residents and visitors with such a wide range of vibrant activities supporting all of the arts.

Resolution No. 197 of 2019

M/S – Gerety/Dill

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

No. 197 of 2019

Subject: Requesting Change in Title, Text or Amount of Appropriation
Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, N.J.S. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-85, the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to make the following correction in the 2019 budget:

That the appropriation provided for in the approved budget entitled:

General Appropriations

(A) Operations - Excluded from “CAPS”

Public and Private Programs Offset by Revenues

Matching Funds

in the amount of \$5,000.00 be reduced by the sum of \$3,760.00 to \$1,240.00

and that an appropriation in the like amount of \$3,760.00 be added to the budget entitled:

General Appropriations

(A) Operations - Excluded from “CAPS”

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Municipal Alliance on Drug and Alcohol Abuse City Match

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BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the municipality for the reasons set forth:

The City provided for the possibility of receiving an additional grant that might require a cash match after the adoption of the 2019 budget by providing a line item "Matching Funds." The amount of the grant and the cash match required for the FY 2020 Municipal Alliance on Drug and Alcohol Abuse grant program are now known after the adoption of the budget. The City has received a grant of \$15,038.00 for the FY 2020 Municipal Alliance on Drug and Alcohol Abuse program, and a municipal cash match of 25%, in the amount of \$3,760.00 is required as a legal provision of the grant. The above correction of this budget appropriation will allow the City to make the necessary cash match.

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 198 of 2019

M/S – Dill/Toto

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

No. 198 of 2019

Subject: Chapter 159 Resolution
Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$15,038.00 and wishes to amend its 2019 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$15,038.00 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

FY 2020 Municipal Alliance on Alcoholism and Drug Abuse

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Prevention Program \$15,038.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$15,038.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:
FY Municipal Alliance on Alcoholism
and Drug Abuse \$15,038.00

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 199 of 2019

M/S – Dill/D’Adamo

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

No. 199 of 2019

Subject: Chapter 159 Resolution
Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point received a grant of \$94,630.00 and amended its 2018 budget to include that amount as a revenue; and

WHEREAS, that grant was subsequently amended to a total of \$351,490.30 and the City wishes to amend the 2019 budget to include the additional amount of \$256,860.30 as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an

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item of revenue in the budget of the year 2019 in the sum of \$256,860.30 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

FY2017 & 2018 and Future Years CDBG Reconstruction of Meyran Avenue \$256,860.30

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$256,860.30 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

FY2017 & 2018 and Future Years CDBG Reconstruction of Meyran Avenue \$256,860.30

BE IT FURTHER RESOLVED that this resolution be certified and submitted by the Chief Financial Officer to the Director of Local Government Services for approval.

Resolution No. 200 of 2019

M/S – Toto/Dill

The resolution was adopted by a vote of those present.

No. 200 of 2019

Subject: **Approving proposals – Goods and Services 2019**

Introduced By: **Council President McGuigan**

WHEREAS, the City of Somers Point received proposals for Leaves and Brush Disposal Site in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on October 8th, 2019 are approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of October 11th, 2019 through December 31, 2021:

a) Leaves and Brush Disposal Site

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Atlantic Blueberry Co.

Resolution No. 201 of 2019

M/S – Gerety/Dill

The resolution was adopted by a vote of those present.

Resolution No. 201 of 2019

**Subject: A Resolution to Adjourn to Executive Session to Discuss Matter
Involving Litigation or Contract Negotiation**

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** topic which involves the terms and conditions of a contractual relationship and agreement between the City and Patcong Creek Foundation which is required to be discussed in Executive Session to be held on October 10, 2019 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.

1 “(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.”

A discussion regarding the currently existing contractual relationship and agreement between the City of Somers Point and the Patcong Creek Foundation related to a portion of the premises known as Lot 12 in Block 1016.

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;

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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)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Approval by Resolution

Old Business:

Councilman Dill requested the status of a meeting and information regarding the City's ambulance service. Mayor Glasser mentioned that he is working on a meeting.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 10/4/19 in the amount of \$2,317.48 and a Bill List dated 10/8/19 in the amount of \$187,437.72.

Public Portion

The public portion was duly opened. After hearing the public, the public portion was duly closed.

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Resident, Patricia Pierson of 587 Marks Road mentioned that the County Surrogate building was maintained beautifully, and the employees were very friendly. She mentioned the Somers Point Marina lights look great. She mentioned that Somers Point ACME is doing a good job keeping their property clean and beautiful.

Payment of Bills

M/S – Tapp/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 7:36 p.m. prior to going into Executive Session and adjourned at 8:19 p.m.

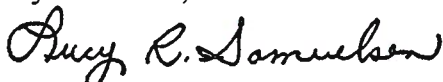
New Business:

On the motion of Councilman Toto, seconded of Councilman Dill and carried to approve by unanimous roll call vote the Social Affair Permit for the Patcong Creek Foundation, Inc., at Gateway Playhouse on 11/9/19.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:21 p.m.

Respectfully submitted,



Lucy R. Samuelson, RMC

Municipal Clerk

Approved: 10/24/2019