

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 24, 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, Assistant City Administrator Frost, City Clerk Samuelson, and City Solicitor Randy 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.

Public Portion (Resolutions)

The meeting was opened to the public, for consideration of Resolution Number 208 of 2019, hearing nothing from the public, the public portion was duly closed.

Resolutions:

Resolution No. 208 of 2019

M/S – Dill/Johnson

The resolution was adopted by unanimous vote of those present.

Before it was called Charlie’s, the establishment was called Jerry’s Market. Councilman Tapp congratulated them and thanked them for everything they do for the community. Councilman D’Adamo thanked them all for the great establishment. Councilman Dill thanked them and recognized them for all the service to the community and all the generations that were involved in building the business. Councilman Toto mentioned that his friends from the northern region of N.J. make special trips to eat at Charlie’s and appreciates how they give back to the community. Councilman Gerety proudly stated that both their families go back four generations and it’s always a pleasure to visit the establishment. He mentioned that they are an anchor in town and are world famous. Mayor Glasser stated that Charlie’s put Somers Point on the map, and he thanked them for a great family-owned business. Council President McGuigan stated that Charlie’s is iconic and that their children’s birthday party dinners were always at Charlie’s. He mentioned that he uses Charlies as a landmark for directions to City Hall. Council President McGuigan thanked and congratulated them on their 75th anniversary. Mayor Glasser proudly presented them with the resolution that was celebrated with a round of applause.

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No. 208 of 2019

Subject: Saluting Charlie's Restaurant and Bar on Their 75th Anniversary

Introduced by: Council President Sean McGuigan

WHEREAS, The Thomas family has operated Charlie's Bar and Restaurant in Somers Point since 1944; and

WHEREAS, the fourth generation of the Thomas family is now operating the business and carrying on the traditions of this iconic Somers Point establishment; and

WHEREAS, many of the waitresses, waiters, bartenders, cooks, and hostesses employed at Charlie's have been part of the crew for decades, many of them Somers Point citizens; and

WHEREAS, locals and visitors always experience a welcoming feeling when entering the restaurant and bar, where they find a full range of excellent food and drink; and

WHEREAS, Charlie's has supported and sponsors numerous community and charitable organizations and events over the years including, but not limited to, youth sports teams and leagues, senior citizen events, academic scholarship efforts, individuals facing health crisis's, financing of the lights at Mainland Regional High School football field, and many more; and

WHEREAS, Charlie's is the quintessential family owned and operated business with a long tradition of being a community minded partner to many organizations in the City, making them an integral part of the fabric of Somers Point;

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council of the City of Somers Point recognize and congratulate the Thomas Family and the staff and crew at Charlie's Restaurant and Bar on the occasion of the 75th Anniversary of the opening of their doors for business; and

It is further **RESOLVED** that the Mayor and City Council of Somers Point conveys their best wishes for continued success and prosperity to Charlie's.

Communications:

None

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Mayor's Report:

Mayor Glasser congratulated the Police Department and Kate MacKenzie for their diligent efforts regarding the Trunk or Treat event that was very successful with approximately 3,000 participants. Mayor Glasser reported that the Horse Power by the Bay event was fabulous and extended kudos to Councilman Gerety and all the volunteers. Mayor Glasser thanked Councilman Gerety and the Historical Society for a great event. 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, and Shore Medical Center will hold a Veterans Day event of 11/11/19 at 12 noon. Tomorrow evening Mayor Glasser will attend the monthly Atlantic County Mayors Association meeting. On Saturday, the American Legion Hall will hold a scholarship event in remembrance and honor of April Kauffman from 1:00 pm and 4:00 p.m. Trick or Treat will be held on Thursday, October 31, between 6:00 p.m. and 8:00 p.m.

Administrator's Report:

None

Solicitors Report:

None

Committee Reports:

Councilman D'Adamo reported that he and Assistant City Administrator Frost attended a County meeting regarding the U. S. Census at Stockton University. They stressed the importance of accurate counts to insure proper funding. This census will record information electronically.

Approval of Minutes:

On the motion of Councilman Gerety, seconded of Councilman Dill and carried to approve the Regular Meeting Minutes and the Executive Session Meeting Minutes of 10/10/2019 as to content only.

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Ordinances: None

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. 203 of 2019

M/S – Gerety/Tapp

The resolution was adopted by unanimous vote of those present.

No. 203 of 2019

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 Harbour Cove Marina and Mugrug LLC as to Block 1408, Lot 2.01 “Qual. BLDG” Also Known as 660 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 October 24, 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.

“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

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extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

The specific topic to be discussed are issues related to pending litigation in the Tax Court related to Harbour Cove Marina and Mugrug LLC as to Block 1408, Lot 2.01 “Qual. BLDG” Also Known as 660 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.	Cannot be determined at this time.	City Council approval by Resolution, if any

Resolution No. 204 of 2019

M/S – Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 204 of 2019

Subject: Concurring with the Establishment of a Formal Fund Balance Policy
Proposed by: Council President McGuigan and Councilmen Dill and Gerety

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WHEREAS, a formal Fund Balance Policy of the City of Somers Point was established by the City Administrator on May 5, 2013 and later amended on April 22, 2014; and

WHEREAS, the City Council of the City of Somers Point desires to confirm its concurrence with the policy as currently presented by the City Administrator.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby concurs with and adopts the following policy:

Fund Balance Policy

The City of Somers Point recognizes that, in general, a significant portion of the current year fund balance is generated by the operations of the immediate previous year.

Because of that, the current year taxpayers, who are most likely the closest group possible to the previous year's taxpayers, deserve the greatest consideration when using surplus as a revenue source, thus reducing the necessary amount to be raised by taxation in the current year budget.

Nonetheless, the use of surplus as a revenue source to reduce the amount to be raised by taxation needs to be balanced against the long term fiscal position of the City.

It is the goal of the City to continually reduce reliance on surplus to offset the tax rate by maximizing the collection of all other available, appropriate revenues.

Unless unusual circumstances warrant otherwise, the City will attempt to limit the use of the available surplus as a budget revenue source to less than 10% of the total current fund budget amount, and maintain a minimum surplus balance of 2% to 3% of the current year budget total in addition to the amount utilized as a budget revenue.

The Chief Financial Officer will maintain a schedule of at least a five-year record of the use of surplus in the budget and provide that information to City Council, or the appropriate City Council Committee, and review that information along with surplus usage trends, during the annual budget process.

Resolution No. 205 of 2019

M/S – Toto/Gerety

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

Wes Swain, City Administrator, explained that City Council was emailed the Best Practices Survey and the City needed at least 30 points to secure funding; however, the City secured 42 points.

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No. 205 of 2019

Subject: 2019 Best Practices Inventory

Introduced By: Council President McGuigan, Councilmen Gerety and Dill

WHEREAS, the State of New Jersey Division of Local Government Services has developed a Best Practices Inventory to be completed by each municipality; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting in order to ensure that local officials have been apprised of the response; and

WHEREAS, the City Clerk must certify that the governing body has reviewed the completed Best Practices Inventory at a public meeting; and

WHEREAS, the completed Best Practices Inventory and required certification are attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges receipt of and discussion of the 2019 Best Practices Inventory.

Resolution No. 206 of 2019

M/S – Toto/Dill

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

No. 206 of 2019

Subject: Awarding Bid for Contract No. 56 – 2019 Stormwater Cleaning & Inspection

Introduced by: Councilmen Dill and Toto

WHEREAS, on October 18, 2019 the City of Somers Point received bids for the 2019 Stormwater Cleaning & Inspection; and

WHEREAS, North American Pipeline Services, LLC, of Freehold, New Jersey was the lowest responsible bidder; and

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WHEREAS, the City Engineer's office has recommended that the City award the contract to North American Pipeline Services, LLC, of Freehold, New Jersey in the amount of \$77,000.00.

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

- 1.) The Contract for the 2019 Stormwater Cleaning & Inspection is hereby awarded to North American Pipeline Services, LLC, of Freehold, New Jersey in the amount of \$77,000.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with North American Pipeline Services, LLC, signing on behalf of the City.

Resolution No. 207 of 2019

M/S – Toto/Dill

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

No. 207 of 2019

Subject: Awarding Bid for Contract No. 55 – 2019 Road Program – Phase I

Introduced by: Councilmen Dill and Toto

WHEREAS, on October 18, 2019 the City of Somers Point received bids for the 2019 Road Program – Phase I; and

WHEREAS, A.E. Stone of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to A.E Stone, Inc. of Egg Harbor Township, New Jersey in the amount of \$384,000.00.

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

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- 3.) The Contract for the 2019 Road Program – Phase I is hereby awarded to A.E. Stone, Inc. of Egg Harbor Township, New Jersey in the amount of \$384,000.00
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with A.E. Stone, Inc. signing on behalf of the City.

Resolution No. 209 of 2019
M/S – TABLED

No. 209 of 2019

**Saluting the Success of the Mainland Regional High School Marching Mustangs Band
Atlantic Coast Champions/New Jersey State Champions**

WHEREAS, Mainland Regional High School serves the students of the Somers Point, Northfield, and Linwood communities; and

WHEREAS, the school’s marching band is known as the Mainland Marching Mustangs and are under the direction of Band Director Mr. Jon Ratcliffe and under the field direction of Drum Majors Ilia Kheirkhah and Lilian Lee as well as color guard captains Angela Claveria and Chloe Wagner; and

WHEREAS, the students spend countless hours practicing together, working on their music, and drill on the field to make their show the best it can be; and

WHEREAS, the band was able to hit all the right notes and make all the right steps to remain undefeated during the competition season; and

WHEREAS, on October 19, 2019, at Washington Township High School, the band’s performance earned them the Group 2A State Championship Title; and

WHEREAS, the next day, October 20, 2019, at Delsea Regional High School, the band won the Region 1 South Jersey Championship; and

WHEREAS, on November 2, 2019, the band competed in the 2019 Tournament of Bands Group 2A Atlantic Coast Championships, achieving a school record score of 95.54 while being declared Champions for the first time in school history;

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Now therefore, it is hereby **RESOLVED** that the Mayor and City Council of the City of Somers Point recognize and congratulate the Mainland Regional High School Marching Band on winning the New Jersey Group 2A State Championship, the Region 1 South Jersey Championship, and the 2019 Tournament of Bands Group 2A Atlantic Coast Championship; and

It is further **RESOLVED** that the Mayor and City Council of Somers Point salute the hard work and dedication of the band members and color guard as well as that of the band director, staff, parents, and boosters that led to this phenomenal success.

Resolution No. 210 of 2019

M/S – Gerety/Dill

The resolution was adopted by unanimous vote of those present.

No. 210 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 24, 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.”

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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;

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)

Old Business:

None

New Business:

Council President McGuigan called for a motion for the 48- hour waiver rule to add Resolution No. 211 of 2019 for consideration after the Executive Session portion of the meeting. On the motion of Councilman Dill, seconded of Councilman Tapp and carried to add the resolution to this evening's agenda.

Council President McGuigan stated that five years ago, City Council created a tax abatement Code with a sunset provision, and the Code will expire at the end of the year. Council President McGuigan requested City Council to consider extending that Code for another five years.

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Additionally, Council President McGuigan reported that the Historical Commission may have a request to expand the Historical Bayfront Historic District at the next City Council meeting.

On the motion of Councilman Gerety, seconded of Councilman Dill and carried to approve the Social Affair Permit for Doc's Place on 12/4/2019.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 10/22/19 in the amount of \$800.23 and a Record of Payment in the amount of \$ 207,576.33 dated 10/22/19 and a Bill List dated 10/22/19 in the amount of \$2,326.464.09.

Public Portion

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

Resident, Patricia Pierson of 587 Marks Road thanked and complimented Donna Mohr as the Chair of the Arts Commission and mentioned that the Commission applies for every grant possible. Council President McGuigan thanked Ms. Pierson and Ms. Mohr for their volunteerism and diligence on the Arts Commission.

Resident Ed O'Donnell shared his thoughts regarding Social Security recipients that must use debit cards to access their monthly funds and are being charged exorbitant fees to withdraw their own money. He discussed Ivy League colleges, smaller colleges and trade schools regarding funding and donations. Lastly, he mentioned the customer service of N.J. Transit.

Resident Bill Demarco of 415 Bay Avenue expressed his concern regarding the overgrown trees and shrubs and that people use the area as a bathroom at the nearby pump station. Wes Swain, City Administrator, explained that the area is part of a large project to be coordinated with Somers Point, Egg Harbor Township, Northfield and Atlantic County, and the project has not been bid yet. Mr. Swain explained the history of the sewage station and the complicated, time consuming upcoming project.

Payment of Bills

M/S – Tapp/Dill

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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 7:50 p.m.

Resolution No. 211 of 2019

M/S – Gerety/Dill

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

No. 211 of 2019

Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of Harbour Cove Marina and Mugrug LLC as to Block 1408, Lot 2.01 “Qual. BLDG” Also Known as 660 Bay Avenue in the City of Somers Point.

Introduced by: Council President McGuigan

WHEREAS, Harbour Cove Marina is the owner of certain lands known as Block 1408, Lot 2.01, “Qual.BLDG” (and more commonly known as 660 Bay Avenue) in the City of Somers Point) and Mugrug LLC is the long-term tenant of said property; and

WHEREAS, Harbour Cove Marina and Mugrug LLC have previously filed appeals with the Tax Court of New Jersey for the years 2015, 2016 and 2017 and 2018 Docket Nos. 010997-2015; 015521-2016; and 007322-2018); and

WHEREAS, the City Harbour Cove Marina and Mugrug LLC have reached a settlement regarding each of these matters; and

WHEREAS, Tax Counsel for the City, Thomas G. Smith, Esquire, has advised that it is in the best interests of the City to approve and ratify said settlement; and

WHEREAS, City Council has reviewed the terms of the proposed settlement with Tax Counsel and has considered same as well as knowing the uncertainty which accompanies any litigation; and

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WHEREAS, City Council has concluded that the proposed settlement is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the proposed settlement providing as follows: The assessment is to be reduced as

follows - \$1,399,000 for 2015 through 2017; and there is to be a further reduction for 2018 and 2019 to \$1,199,000. Any credit due and owing shall be credited to taxes due in 2020. Interest on the overpayment is waived.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 11/15/2019