

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 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: Toto, Dill, Gerety, Meischker, Tapp, D’Adamo, McGuigan

Also Present: Mayor Glasser, Administrator Swain, City Clerk Samuelson, Deputy City Clerk Heath, 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.

Communications:

None

Mayors Report:

Mayor Glasser thanked and congratulated the Police Department and Kate Mackenzie for continuing to embrace the concept of community policing for the Trunk or Treat event held in the City Hall parking lot. Mayor Glasser encouraged everyone to attend the Veteran’s Day ceremony on November 11th at 11:00 a.m. at Patriots Park sponsored by the City and Veteran’s organizations.

City Administrators Report:

Wes Swain, City Administrator/CFO, indicated that the Best Practices Survey questioned if the CFO/Head Procurement Officer explained the Local Finance Notice 2018-13 to the Governing Body. The Local Finance Notice explains the municipalities may use standard electronic payments instead of paper checks. Mr. Swain indicated that some payments utilize electronic

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payments; however, he recommended continuing to utilize paper checks at this time noting that paper checks are easier to track. The Best Practices Survey will be reviewed at the next City Council meeting of 11/8/18.

Solicitors Comments:

None

Committee Reports:

Councilman Dill discussed the letter along with a petition received from Mr. Gest dated 10/21/2018 regarding concerns of flooding on Stanford Road. Greg Schneider, City Engineer, has inspected the road. Councilman Dill requested City Council to consider paving the road in the Budget of 2019. Councilman Dill recognized and thanked the Fire Department for a job well done regarding the recent marina fire. There was some loss of fire hoses, which have been reported to the City's insurance company.

Councilman Meischker stated that the Economic Advisory Commission and the City's marketing company, Suasion Communications, need a date to appear at a City Council meeting to present a report to the Governing Body. Council President McGuigan mentioned December 13th. Councilman Meischker indicated that he, Greg Gregory, Paul Huber and Fred Acres recovered approximately 80% of a wayward massive fish net and will attempt to remove the remaining net. Council President McGuigan thanked him and the volunteers for their efforts.

Approval of Minutes:

M/S- Gerety/D'Adamo

The Regular City Council Meeting minutes of 10/11/18 were approved unanimously by those members present.

Ordinances:

Ordinance No. 17 of 2018

M/S -

Second Reading/Public Hearing/Adoption – TABLED

The public hearing was duly opened and hearing nothing, it was duly closed.

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Councilman Tapp expressed his concern that he doesn't have enough information and motioned to tabled, seconded by Councilman Gerety and carried by roll call vote:

Dill-yes
D'Adamo-yes
Gerety-yes
Meischker-no
Toto-yes
Tapp-yes
McGuigan-no

Councilman Meischker questioned Mr. Lafferty if the City could still act after the State passes the law. Mr. Lafferty indicated that the City should have a window to act.

No. 17 of 2018

**An Ordinance Amending Article XX Chapter
114-119 of the City Code Entitled "Prohibited
Uses"**

WHEREAS, the City of Somers Point ("City") has a comprehensive land use development ordinance which identifies uses in each zone and prohibits uses which are not expressly permitted; and

WHEREAS, the City has determined that businesses selling recreational marijuana, assuming such businesses are authorized to do so by the State Legislature, present special concerns for security and location; and

WHEREAS, the City, having reviewed the matter, has determined that there is no area within the City which can safely house a business selling recreational marijuana and/or paraphernalia that safely facilitates the use of such marijuana consistent with the public health, safety and welfare of the citizens of Somers Point.

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

SECTION 1. Article XX Chapter 114-119 is hereby amended to include:

(16) The sale of recreational marijuana and/or paraphernalia that facilitates the use of such marijuana.

SECTION 2. All other provisions of Article XX Chapter 114-119 shall remain in full force and effect to the extent not modified herein.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in

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this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon its final passage and publication as provided by law.

Ordinance No. 18 of 2018

M/S Gerety/Toto

First Reading/Introduction

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

No. 18-2018

**An Ordinance of the City of Somers Point, County of Atlantic,
New Jersey Amending the 2018 Salary and Wage Ordinance,
Ordinance No. 10 of 2018**

Be it ordained by the City Council of the City of Somers Point as follows:

SECTION 1. Purpose

Section 1 of Ordinance No. 10 of 2018 is hereby amended for the specific positions indicated below, and all other positions and salary ranges shall remain unchanged.

Position	Salary Range	
	From:	To:
Tax Assessor	\$40,000	\$85,950
Tax Coll./Tax Search Officer/ Sewer Utility Coll.	\$40,000	\$71,500

SECTION 2. Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Ordinance No. 19 of 2018

M/S – Gerety/Toto

First Reading/Introduction

The ordinance was adopted by unanimous vote of those present.

Greg Schneider, City Engineer, explained that in order to receive additional credits under the rating systems for large projects, this ordinance should be adopted.

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Ordinance No. 19 of 2018

An Ordinance Amending and Supplementing the Stormwater Management Ordinance of the City of Somers Point to Include the 25-Year Design Storm

WHEREAS, the City of Somers Point seeks to address stormwater runoff generated by new developments; and

WHEREAS, the City of Somers Point has recently completed and adopted a Watershed Management Plan; and

WHEREAS, the City undertakes activities to enhance its resiliency to flood damage and decrease flood insurance costs for property owners by being a participating community in the Community Rating System; and

WHEREAS, the Community Rating System rewards communities that take additional steps to address flooding through stormwater management; and

WHEREAS, a pre-requisite to becoming a Class 4 in the Community Rating System is to address the 25-year storm in the City's stormwater management ordinance.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Somers Point, County of Atlantic, and State of New Jersey that Chapter 114, Article XXIX, Section 114-213, Sub-section F, (c), of the Code of the City of Somers Point is hereby amended as follows:

- [1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, postconstruction runoff hydrographs for the two-, ten-, ~~twenty-five~~, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
- [2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, ~~twenty-five~~ and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- [3] Design stormwater management measures so that the postconstruction peak runoff rates for the two-, ten-, ~~twenty-five~~, and one-hundred-year storm events are 50%, 75%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the postconstruction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied

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to postconstruction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

- [4] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection **F(1)(c)[1], [2] and [3]** above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

SECTION 2. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: This ordinance shall take effect upon its final passage and publication as required by law.

Public Portion on Resolutions:

The Public Portion was duly opened.

Bill Collins of 814 Bay Avenue questioned Resolution No. 188. Council President McGuigan explained that the City has planned to purchase a trash truck.

Hearing nothing further from the public, it was duly closed

Resolution No. 184 of 2018

M/S- Gerety/Toto

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

Wes Swain, City Administrator, indicated that Shana has taken the courses for CFO and passed the State exam. He continued that Shana is very dedicated and a hard-working employee. He mentioned that Shana will be part of the future management of the City. Councilman Dill stated that it's refreshing that we have skilled people in the City to encourage and reward promotions so that we maintain them. Councilman Tapp stated that the City is fortunate to have her and that she enjoys working here. He stated that the promotion is well-deserved.

No. 184 of 2018

Subject: Promotion of Shana Kestrel

Introduced By: Councilmen Tapp, Meischker and Toto

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

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WHEREAS, Shana Kestrel has been employed by the City of Somers Point since June of 2006, has performed the duties of Clerk in the Finance Department on a part time basis beginning in 2009 and a full-time basis beginning September 6, 2011; and

WHEREAS, Shana Kestrel has completed the coursework necessary to qualify for the New Jersey Municipal Chief Finance Officer examination, passed that rigorous examination, and has obtained her certificate as a Municipal Finance Officer issued by the NJ Department of Community Affairs; and

WHEREAS, the City Administrator has recommended that Shana Kestrel be promoted to the position of Comptroller; and

WHEREAS, adequate funds are available within the Finance Department operations in the 2018 budget for this promotion.

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

- 1.) The promotion of Shana Kestrel to the position of Comptroller, New Jersey Civil Service Local Government Job Specification 01328, within the Finance Department, is hereby approved effective November 1, 2018 on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective November 1, 2018 the salary of Shana Kestrel will be \$61,400 in accordance with the 2018 Salary and Wage Ordinance of the City of Somers Point, retroactive to January 1, 2018.
- 3.) The annual salary of Shana Kestrel may be adjusted in the future within the guidelines of the Annual Salary and Wage Ordinance of the City of Somers Point.

Resolution No. 185 of 2018

M/S- D'Adamo/Dill

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

Councilman Tapp has known him for many years and stated that he will be an asset to the Recreation Commission. Mayor Glasser concurred with Councilman Tapp's comments and wished him well.

No. 185 of 2018

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Subject: Recreation Commission Appointment to Fill a Vacancy
Introduced By: Councilmen McGuigan and Toto

WHEREAS, Ordinance No. 1 of 1975 authorized the establishment of a Board of Recreation; and

WHEREAS, the Mayor of the City of Somers Point may appoint not less than three (3) nor more than seven (7) members as Commissioners to said Board of Recreation; and

WHEREAS, a vacancy now exists due to the resignation of Kristian Gardner with said term expiring December 31, 2019; and

WHEREAS, Council wishes to appoint Daniel Foreman to fill the vacant term said term expiring December 31, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the above appointment is hereby confirmed by the City Council.

THE RECREATION COMMISSION, as of this date, consists of the following members with their expiration dates noted:

MEMBER	EXPIRATION OF TERM
Charles "Skip" Broomall	December 31, 2021
Paul Huber, Jr.	December 31, 2020
Brandon Adams	December 31, 2021
Daniel Foreman	December 31, 2019
Mike Owen	December 31, 2022
Matt Endicott	December 31, 2018
Michael Stewart	December 31, 2018

Resolution No. 187 of 2018

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

No. 187 of 2018

**REGULAR MEETING
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Authorizing Executive Session**

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 there is one (1) topic which requires the advice and counsel of the Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on October 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). 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.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

Advice of Counsel and attorney client communication regarding the compliance procedures to be utilized in accordance with orders of the New Jersey Superior Court entered in “In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15”.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 – 50 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.

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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	Unknown at this time	Action by City Council

Resolution No. 188 of 2018

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

Councilman Dill stated that this request was reviewed at the budget meetings, and was determined that it was a necessary purchase.

No. 188 of 2018

Subject: Awarding the Bid for one Refuse Truck

Introduced By: Councilmen Dill

WHEREAS, on October 11, 2018 the City of Somers Point received bids for a Refuse Truck; and

WHEREAS, bid packages were received by (2) two vendors and bids were received from one vendor; and

WHEREAS, Cruzan’s Truck Service Inc., t/a Cruzan’s Freightliner of Bridgeton, New Jersey was the low and only responsible bidder; and

WHEREAS, the Superintendent of Public Works has recommended that the City award the contract to Cruzan’s Truck Service Inc., t/a Cruzan’s Freightliner of Bridgeton, New Jersey in the amount of \$211,818.00 for one Refuse Truck; and

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WHEREAS, the City Administrator concurs with that recommendation.

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

- 4.) The Contract for the Refuse Truck is hereby awarded to Cruzan’s Truck Service Inc., t/a Cruzan’s Freightliner of Bridgeton, New Jersey in the amount of \$211,818.00 .
- 5.) The City Administrator is hereby authorized and directed to enter into a formal contract with Cruzan’s Truck Service Inc., t/a Cruzan’s Freightliner, signing on behalf of the City.

Old Business:

None

New Business:

Council President McGuigan read a letter from the Somers Point Rotary Club regarding a club project of a proposed bus stop shelter located at the north side of Somers Point Road just east of the intersection of Rt. 9. The Rotary Club of Somers Point would need the City to designate the area as a bus stop and agree to maintain the bus shelter. The Rotary Clubs of Somers Point and Ocean City would construct and maintain the bus shelter free of charge. The Mayor, City Council and City Administrator thoroughly discussed the proposal including a bus stop shelter near ACME. Mr. Swain explained the process for the State to designate a bus stop, which will take a long time. The Governing Body concurred to proceed with approvals of both bus stops that were previously discussed.

Discussion of Bills:

Administrator Swain reported a Record of Payment of 10/18/18 in the amount of \$735.00 and a Bill List dated 10/18/18 in the amount of \$2,508,948.49

Public Portion:

The Public Portion was duly opened.

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Robert Gest, 14 Stanford Road, thanked everyone especially Councilman Dill regarding floods, freezing and mosquito issues on his street. Councilman Dill explained the City's road program and indicated that he will make every effort to recommend the street for the 2019 Budget. possible issue

Bill Collins, 814 Bay Avenue expressed his concern regarding the annual landlord registration fee and discussed the inspection. Council President McGuigan mentioned that the fee is an administrative fee for the regulation. Additionally, Mr. Collins mentioned the previous donation of Shore Medical Center.

After hearing from the public, it was closed.

Payment of Bills:
M/S – Dill/D'Adamo

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. Council President explained it is a state statute and requirement and the fee is for administration fee.

Recess:

Being no further business, City Council took a short recess at 8:12 p.m. before going into Executive Session. City Council reconvened in open session at 8:30 p.m.

Resolution No. 186 of 2018

M/S- Gerety/Toto

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

No. 186 of 2018

A Resolution Approving and Endorsing the 2018 Housing Element and Fair Share Plan as an
Amendment to the Master Plan of the City

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Whereas, the New Jersey Supreme Court (the "Court"), in the case captioned In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) commonly referred to as Mount Laurel IV, reaffirmed that as a matter of constitutional law each municipality within the State has an obligation provide a realistic opportunity for an appropriate variety and choice of housing, including such opportunity for the construction of its fair share of present and prospective regional need for low and moderate income housing, persons of low and moderate income housing; and

Whereas, the Court further determined that after many opportunities, the Council of Affordable Housing ("COAH"), the State Agency established to promulgate rules, obligations, and the compliance mechanisms necessary for each municipality to meet its fair share obligation, had failed to meet that obligation; and

Whereas, the Court transferred those obligations from COAH to the Superior Court of New Jersey through the filing of declaratory judgment lawsuits; and

Whereas, on [July 7, 2015](#) the City of Somers Point (the "City") filed a declaratory judgment action on the New Jersey Superior Court ("In the Matter of the City of Somers Point" Docket Number ATL-L_1538-15) as authorized by City Council by Resolution Number 123 of 2015 adopted on June 25, 2015; and

Whereas, the declaratory judgment action was resolved through a settlement agreement between the City and Fair Share Housing Center (the "Agreement") which was approved by the Somers Point City Council on April 12, 2018 by Resolution Number 84 of 2018; and

Whereas, upon proper statutory notice a Fairness Hearing was held on [June 1, 2018](#), which was open to the public and a preliminary Order of Fairness and Compliance was entered by the Court on [June 5, 2018](#) (the "Preliminary Order") and following the required statutory notice, a Final Order of Fairness, Compliance and Repose (the "Final Order") was entered by the Court on [August 29, 2018](#); and

Whereas, pursuant to the Terms of the Settlement Agreement and the Final Order, the City is obligated to prepare and adopt a Housing Element and Fair Share Plan as an amendment to the City's Master Plan; and

Whereas, the required Housing Element and Fair Share Plan (the "2018 Housing Element and Fair Share Plan") was prepared by Maser Consulting, P.A., the Affordable Housing Planner retained by the City; and

Whereas, in accordance with the terms of the Settlement Agreement and Final Order, the Housing Plan Element and Fair Share Plan was duly entered into evidence before the Somers Point Planning Board at a public meeting held on October 17, 2018, in accordance with all statutory notice requirements, during which the Planning Board reviewed and considered the Housing Element and Fair Share Plan; and

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Whereas, on October 17, 2018, following a public hearing, the Somers Point Planning Board adopted Resolution No. 2 - 2018 approving an amendment to the Master Plan of the City of Somers Point to incorporate the 2018 Housing Element and Fair Share Plan, determining that the 2018 Housing Element and Fair Share Plan is in conformity with the City's affordable housing obligations as approved by the Superior Court in the Preliminary and Final Court Orders, and is consistent with the goals and objectives of the City's Master Plan.

Now, therefore, it is hereby Resolved that the City Council of the City of Somers Point approves and endorses the 2018 Housing Element and Fair Share Plan as an amendment to the Master Plan of the City to address and provide for the City's Mount Laurel affordable housing obligations; and

It is further Resolved that a copy of the 2018 Housing Element and Fair Share Plan shall, within thirty (30) days following the adoption of this Resolution, be posted on the official web site of the City of Somers Point as an addition to the "Somers Point Master Plan Re-examination" link to be captioned "Somers Point Master Plan Re-examination and 2018 Housing Element and Fair Share Plan".

Adjournment:

There being no further business to come before Council, the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 11/8/18