

# **REGULAR MEETING MAYOR AND CITY COUNCIL December 19, 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, Johnston, D'Adamo, Toto, Gerety, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, Deputy City Clerk Heath, Solicitor Lafferty and Solicitor Smith

**Absent:** Tapp

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## **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.

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48 hour rule waive Councilman Gerety, seconded Councilman Toto and carried.

## **Communications:**

None

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## **Mayor's Report:**

Mayor Glasser holiday parade and tree lighting was a great turnout and many participants and thanked Pearl Harbor was a great remembrance at the beach. Hospital tree lighting attended. Somers Mansion tree lighting was a nice event also. 415 Shore Road AmVets have moved to SP. Giving out meals for the needy. Stated thanks to Councilman Tapp and going to miss him for his years of service. Mayor Glasser received a letter from Dawes Avenue School of school ornament Ask the Mayor

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## **Administrator's Report:**

No report

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**Solicitors Report:**

Had the privilege of being associated with SP since 1984 and honored to have been able to serve as Solicitor.

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**Committee Reports:**

No report

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**Approval of Minutes:** On the motion of Councilman Toto, seconded of Councilman Gerety and carried, the Regular Meeting Minutes of 12/5/2019 and Executive Session Meeting Minutes of 12/5/2019 as to content only were approved.

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**Ordinances:**

None

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**Public Portion on Resolutions:**

The Public Portion was duly opened.

Hearing nothing further from the public, it was duly closed.

Gary Gray 28 Somers Avenue expressed concern regarding removal of a sign at Bay Avenue. Should have been placed at a safer place.

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**Resolution No. 234 of 2019  
M/S-Toto/Gerety**

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The resolution was adopted by unanimous vote of those present.

**No. 234 of 2019**

**Subject:                    Authorizing and Approving Application, Enrollment and Participation in the “Law Enforcement Support Office (LESO) 1033 Program”**

**Introduced By:        Councilmen Toto and Dill**

**WHEREAS**, pursuant to Senate Bill S2364, Federal law permits the Secretary of the United States Department of Defense to transfer to Federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

**WHEREAS**, known as the “Law Enforcement Support Office (LESO) 1033 Program”, this program allows local law enforcement agencies to obtain, at little or no cost, surplus federal property originally intended for use by the United States Armed Forces; and

**WHEREAS**, although equipment is provided through the “Law Enforcement Support Office (LESO) 1033 Program” at no cost to county and municipal law enforcement agencies, these agencies are responsible for costs associated with the maintenance, fueling and upkeep of the equipment and for specialized training for its operation; and

**WHEREAS**, taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is being spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized; and

**WHEREAS**, it is appropriate to establish a system of local oversight for county and municipal law enforcement agencies that participate in and acquire equipment through the “Law Enforcement Support Office (LESO) 1033 Program” and guidelines for the use of this equipment by those agencies; and

**WHEREAS**, an application for the enrollment of a municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey as follows:

- 1.) The application, enrollment and participation in the “Law Enforcement Support Office (LESO) 1033 Program” are hereby authorized.

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- 2.) The City Administrator is hereby authorized to take all steps necessary to effectuate the application, enrollment and participation in the “Law Enforcement Support Office (LESO) 1033 Program.”

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**Resolution No. 235 of 2019**

**M/S-Gerety/Dill**

The resolution was adopted by unanimous vote of those present.

Wes she hoped to be here tonight Wes will give her tenure in the position. Shes excellent in her position and he supports that. CP

**M No. 235 of 2019**

**Subject: Authorizing the Planning Board to Prepare a Redevelopment Plan Regarding Block 1214, Lots 9, 10, 11, 12, & 16 Pursuant to N.J.S.A. 40A:12A-1 Et Seq.**

**Introduced by: Council President McGuigan**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, provides a mechanism to empower and assist local governments in efforts to promote programs of rehabilitation and redevelopment; and

**WHEREAS**, the City Council has previously declared, after review and recommendation of the Planning Board and Public Hearing, the entire area of the City of Somers Point to be an Area in Need of Rehabilitation, with said declaration being embodied in Resolution 186 of 2014; and

**WHEREAS**, a request was previously made by Keith A. Davis, Esquire, on behalf of his clients John F. Leonard and Scott Leonard (or their designated entity, hereinafter referred to as “Developer”) that the area referred to herein be designated as an area in need of redevelopment and the City Council did, by Resolution 158 of 2019, authorize the Planning Board to undertake a preliminary investigation to determine whether the real property located on Shore Road and Sunset Avenue and more commonly known Block 1214, Lots 9, 10, 11, 12, & 16 on the Tax Map of the City of Somers Point, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Rehabilitation Area”) may be an appropriate area for consideration for the program of redevelopment; and

**WHEREAS**, the Developer, again through Keith A. Davis, Esquire, subsequently withdrew the Developer’s request for a designation of the Rehabilitation Area as an area in need

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of redevelopment and modified their request to a review of the Rehabilitation Area as an area in need of rehabilitation; and

**WHEREAS**, the Rehabilitation Area has already been declared as an area in need of rehabilitation by virtue of Resolution 186 of 2014 and the Developer now desires to submit a redevelopment plan for the Rehabilitation Area; and

**WHEREAS**, the City Council finds that the redevelopment of the Rehabilitation Area will provide for a program of rehabilitation that may be expected to promote the overall rehabilitation of this portion of the City and the broader community; and

**WHEREAS**, the City Council desires to have said redevelopment plan of the Rehabilitation Area reviewed by the Planning Board and that the Planning Board for the City of Somers Point conduct such hearings as necessary to prepare a Redevelopment Plan for the

Rehabilitation Area which would replace or supplement existing zoning ordinances and prepare an associated Ordinance to be recommended to City Council for consideration and adoption.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby directs the Somers Point Planning Board to conduct the necessary public hearings so as to prepare a Redevelopment Plan for the Rehabilitation Area which would replace or supplement existing zoning ordinances and prepare an associated Ordinance to be recommended to City Council for consideration and adoption.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the City Clerk, Chief Financial Officer and City Planning Board and Planning Board Secretary.

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**Resolution No. 236 of 2019**

**M/S-Gerety/Dill**

The resolution was adopted by unanimous vote of those present with Councilman Dill and

**No. 236 of 2019**

***City of Somers Point***  
**Resolution No. 236 of 2019**

**Subject:                      Budget Appropriation Transfer**

**Introduced by:            Council President McGuigan, Councilmen Gerety and Dill**

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**WHEREAS**, N.J.S. 40A:4-1 et.seq. allows the Governing Body to make budget appropriation transfers after November 1<sup>st</sup> of the budget year to expend for any of the purposes specified in the budget an amount in excess of the respective sums originally appropriated therefor, provided that the resolution is adopted by not less than a two-thirds vote of the full membership thereof.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, not less than two-thirds of all members thereof affirmatively concurring, that the Chief Financial Officer is hereby authorized to make the following 2019 budget transfer as specified in this resolution.

## **Current Fund**

### From:

Legal Services OE	9-01-20-155-200	\$12,000.00
Recreation Programs S&W	9-01-28-370-100	6,000.00
Electricity	9-01-31-430-275	10,000.00
Gasoline	9-01-31-460-273	<u>5,000.00</u>
		\$33,000.00

### To:

City Clerk S&W	9-01-20-120-100	\$2,500.00
Public Works S&W	9-01-26-300-100	5,000.00
Public Works OE	9-01-26-300-200	5,000.00
Sanitation OE	9-01-26-305-200	10,000.00
Buildings and Grounds OE	9-01-26-310-200	5,000.00
Vehicle Maintenance OE	9-01-26-315-200	5,000.00
Defined Contribution Retirement Plan	9-01-36-471-112	<u>500.00</u>
		\$33,000.00

## **Sewer Utility**

### From:

Current Year OE	9-07-55-502-013	\$8,000.00
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### To:

Current Year S&W	9-07-55-501-014	\$8,000.00
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## **Resolution No. 237**

### **M/S-Toto/Gerety**

The resolution was adopted by unanimous vote of those present.

**Dill recused, McGuigan recused**

**No. 237 of 2019**

**Subject: A Resolution to Adjourn to Executive Session to Discuss Matter  
Involving Potential Contract Negotiations Related to the PBA Collective  
Bargaining Agreement**

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**Introduced by: Councilman Tapp**

**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 December 19, 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.”**

**The specific topic to be discussed are issues related to negotiations related to the PBA Collective Bargaining Agreement.**

**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

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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, if any

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**Resolution No. 238  
M/S-D'Adamo/Toto**

The resolution was adopted by unanimous vote of those present.

**No. 238 of 2019**

**Lucy insert resol**

**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 \$18,854.87 from the New Jersey Division of Highway Traffic Safety and wishes to amend its 2019 budget to include this amount as 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 \$18,854.87 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:



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Public and Private Revenue Offset with Appropriations:  
2018-2019 Drunk Driving Enforcement Fund Grant  
\$18,854.87

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$18,854.87 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:  
2018-2019 Drunk Driving Enforcement Fund Grant  
\$18,854.87

**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.

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No. 239  
M/S- Gerety/Toto

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**New Business:**

Consideration of an Extension of Premises for Doc's Place for Customer Appreciation Night

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**Discussion of Bills:**

Administrator Swain reported a Record of Payment dated 12/6/19 in the amount of \$ 475,245.17 and a Record of Payment dated 12/17/19 in the amount of \$24,050.00 and a Record of Payment dated 12/17/19 in the amount of \$10,024,000.00 and Bill List dated 12/17/19 in the amount of \$287,655.46.

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**Public Portion**

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

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**Payment of Bills**

M/S –Gerety/Dill

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.

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Executive Session:

7:34 pm Tom Smith

**Adjournment**

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

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Respectfully submitted,

Lucy R. Samuelsen, RMC

Municipal Clerk

Approved: