

**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, City Clerk Samuelsen, Deputy Clerk Heath, Solicitor Lafferty, Solicitor Smith and Councilman-Elect Owen

**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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Councilman Gerety moved, seconded by Councilman Toto and carried to waive the 48-hour rule for consideration of Resolution No. 239 of 2019 Executive Session to Discuss Pending Litigation Entitled Waterfront Powersports, Inc v. City of Somers Point, City of Somers Point Planning Board and GMH Restaurant Holdings, LLC, Docket No. ATL-L-2004-19 and consideration of Extension of Premises for Doc's Place for Customer Appreciation Event

**Communications:**

None

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**Mayor's Report:**

Mayor Glasser reported that the holiday parade and tree lighting had a great turnout with many participants, and he thanked Sydney Somers, CER Director, for her diligent efforts. Mayor Glasser mentioned that the Pearl Harbor Day event was a great remembrance held at the beach. The Shore Medical Center tree lighting event was a well attended, successful event, and Mayor Glasser commended Councilmen Gerety and Tapp and other volunteers for decorating the City tree. The Somers Mansion tree lighting was a nice event also held on Saturday. Mayor Glasser reported that the AMVETS settled into their new headquarters at 415 Shore Road. Mayor Glasser encouraged City Council to volunteer at the Life Gate Church at their event this Saturday from 1:00 p.m. to 4:00 p.m. giving meals to the less fortunate. Mayor Glasser exceedingly thanked

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Councilman Tapp for his dedicated years of service and added that he will be missed. Mayor Glasser welcomed Councilman-Elect Owen and looks forward to working with him. Mayor Glasser shared that he received a letter from a teacher from Dawes Avenue School regarding the winner of a of school ornament representing Somers Point.

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**Administrator's Report:**

No report

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**Solicitors Report:**

Mr. Lafferty expressed the privilege of being associated with Somers Point since 1984, and is honored to have been able to serve as Solicitor. Council President McGuigan thanked him for his service.

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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 with a correction of the name Sullivan to Searle in the portion of Councilwoman Johnston's swearing in; 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:**

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The Public Portion was duly opened.

Gary Gray of 28 Somers Avenue expressed concern regarding removal and safety of a sign at Bay Avenue. Council President McGuigan noted his concern and mentioned that if City Council needed more time to research the resolution on this evening's agenda, the subject would be listed on the next upcoming agenda.

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

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**Resolution No. 234 of 2019**

**M/S-Toto/Gerety**

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

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**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.
- 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.

City Administrator Swain shared that Lisa hoped to be here tonight; however, she needed to care for her family. City Administrator Swain stated that this reappointment will give her tenure and indicated that Lisa is excellent in her position with a collection rate of over 97%. Mr. Swain stated that he supports this resolution. City Council President McGuigan mentioned his interactions with Lisa have always been positive, and she clearly cares about her job.

**No. 235 of 2019**

**Subject: Reappointment of Lisa A. King as Tax Collector**

**Introduced by: Councilpersons Dill, Toto and Johnston**

**WHEREAS**, by Resolution No. 218 of 2014 the City of Somers Point appointed Lisa A. King to the position of Tax Collector; and

**WHEREAS**, the term of office indicated in Resolution No. 218 of 2014 was corrected by Resolution 138 of 2019 to be from January 1, 2015 through December 31, 2019; and

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**WHEREAS**, it is the desire of the governing body of the City of Somers Point to reappoint Lisa A. King to the position of Tax Collector; and

**WHEREAS**, Lisa A. King possesses a current, valid Certified Municipal Tax Collector's Certificate issued by the New Jersey Department of Community Affairs; and

**WHEREAS**, N.J.S 40A:9-142 specifies that the term of office of a Tax Collector shall be for a term of four years from the first day of January next following appointment.

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

1. Pursuant to N.J.S.A. 40A:9-141 et seq., Lisa A. King is hereby reappointed Tax Collector of the City of Somers Point effective January 1, 2020 for a term which will expire December 31, 2024.
2. In connection with this appointment, Lisa A. King shall perform the duties of Tax Collector (Civil Service code 04124, unclassified), Municipal Tax Search Officer (Civil Service code 05647, unclassified) and Sewer Utility Collector.

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**Resolution No. 236 of 2019**

**M/S-Gerety/Dill**

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

**No. 236 of 2019**

**Subject:                   Budget Appropriation Transfer**

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

**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

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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

<u>To:</u>		
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**

<u>From:</u>		
Current Year OE	9-07-55-502-013	\$8,000.00
<u>To:</u>		
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.  
Council President McGuigan and Councilman Dill recused themselves.

**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**

**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

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**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 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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7 Above</b>	<b>Cannot be determined at this time.</b>	<b>City Council Approval by Resolution, if any</b>

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**Resolution No. 238**

**M/S-D'Adamo/Toto**

The resolution was adopted by unanimous vote of those present.

City Council President McGuigan mentioned if anyone is hesitant or needs to review the resolution further, he will list it on the next upcoming agenda.

**No. 238 of 2019**

**Subject:                    Supporting the New Jersey Department of Transportation  
Recommendation to Change Rt. 52 Directional Signage on Bay  
Avenue**

**Introduced by:        Council President McGuigan and Councilmen Tapp and Dill**

**WHEREAS**, by Resolution No. 170 of 2019, City Council requested that the New Jersey Department of Transportation perform a traffic study on Somers Avenue to explore alternatives for Route 52 traffic coming off Bay Avenue; and

**WHEREAS**, the New Jersey Department of Transportation Bureau of Traffic Engineering has completed an investigation and recommends that the Route 52 directional signs at Bay Avenue and Somers Avenue be relocated to direct traffic to utilize East New York Avenue to turn left onto Shore Road southbound to access Route 52; and

**WHEREAS**, the governing body finds this to be an acceptable alternative that will reduce the traffic impacts on Somers Avenue.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby supports the recommendation of the New Jersey Department of Transportation that the Route 52 directional signs at Bay Avenue and Somers Avenue be relocated to direct traffic to utilize East New York Avenue to turn left onto Shore Road southbound to access Route 52.

**BE IT FURTHER RESOLVED** by the City Council of the City of Somers Point that a copy of this resolution be sent to the Executive Manager of Traffic Engineering of the New Jersey Department of Transportation.

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**Resolution No. 239**

**M/S-Gerety/Toto**

The resolution was adopted by unanimous vote of those present.

**No. 239 of 2019**



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**Subject: A Resolution to Adjourn to Executive Session to Discuss Pending Litigation Entitled Waterfront Powersports, Inc. v. City of Somers Point, City of Somers Point Planning Board and GMH Restaurant Holdings, LLC, Docket No. ATL-L-2004-19**

**Introduced By: Council President Sean McGuigan**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Somers Point City Council has determined that one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on 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) and next to applicable exception is a box within which the **number of issues** to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1** (7) Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Described as specifically as possible without undermining the need for confidentiality is:

**To discuss with Counsel the issues related to litigation entitled, Waterfront Powersports, Inc. v. City of Somers Point, City of Somers Point Planning Board and GMH Restaurant Holdings, LLC, Docket No. ATL-L-2004-19 matters subject to the Attorney-Client Privilege**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 20 minutes after which the public meeting of the City Council shall reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

**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;

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**BE IT FURTHER RESOLVED** that any blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary):

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7 Above</b>	<b>Cannot be determined at this time.</b>	<b>City Council Action by Resolution or Order of the Superior Court of State of New Jersey</b>

**BE IT FURTHER RESOLVED** that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken at this time

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**Old Business:**

Councilman Dill questioned the status of the City Council Chambers recording/sound system. Clerk Samuelson mentioned that she has not received a response for a quote from the vendors after several requests. Clerk Samuelson will follow up with the vendor and research other vendors.

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**New Business:**

City Council President McGuigan set the Reorganization Meeting for Friday, January 3, 2020, at 6:00 p.m.

On the motion of Councilman Gerety, seconded of Councilman Dill and carried to approve an Extension of Premises for Doc’s Place for Customer Appreciation Night.

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**Discussion of Bills:**

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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 \$287,618.98.

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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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**Recess:**

Mr. Lafferty recused himself from the Executive Session Resolution No. 239 of 2019. Council President McGuigan and Councilman Dill recused themselves from Executive Session Resolution No. 237 of 2019.

City Council recessed at 7:34 p.m. prior to going into Executive Session and adjourned at 8:40 p.m.

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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 8:40 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 1-9-2020