

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 5, 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:

Newly Elected First Ward Councilwoman Janice Johnston was sworn in by Freeholder Maureen Kern for an unexpired term of 12/31/2021 with her niece, Jessica Searle, holding her Grandmother's Bible. Freeholder Kern stated that Ms. Johnston is a very hard worker who is committed to the City of Somers Point, and we are very happy to have her sitting on City Council. City Council President McGuigan welcomed and congratulated her.

Present: Dill, Johnston, D'Adamo, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, Councilman-Elect Mike Owen and Thomas G. Smith, Esq. Additionally, Council President McGuigan welcomed many employees of our Police Department.

Absent: Gerety

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 (Resolution):

The floor was duly opened to the public for consideration of Resolution No. 226 of 2019. Hearing nothing, the public portion was duly closed.

Resolution No. 226 of 2019

M/S: Toto/Dill

The resolution was adopted by unanimous vote of those present. Councilman Toto thanked the Garden Club for everything they do for the City, which includes beautification and education for the public. Council President McGuigan congratulated the Garden Club for over 60 years of serving the public. Mayor Glasser and Councilman Toto proudly presented Ms. Cheryl McGuigan with the resolution,

No. 226 of 2019

Subject: Thanking the Green Thumb Garden Club of Somers Point

Introduced by: Councilman Toto

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WHEREAS, The Green Thumb Garden Club is an iconic institution in Somers Point, providing various landscaping activities and ideas for many members of the community; and

WHEREAS, the club has had many landscaping and garden contests throughout the years, which have increased the awareness of the horticultural arts and encourage homeowners to continue to beautify their homes; and

WHEREAS, the club was gracious in donating two hand-made Christmas wreaths, which will adorn the front doors of City Hall that will add to the magic of the season for all those who enter;

NOW THEREFORE, BE IT RESOLVED, that the work of the Green Thumb Garden Club has had a positive impact over many decades in the City of Somers Point.

BE IT FURTHER RESOLVED, that the Mayor and the City Council conveys their gratitude to The Club for the beautiful wreathes on behalf of the city employees and visitors to City Hall.

ALSO BE IT RESOLVED, that the Mayor and the City Council wishes the Garden Club a festive and happy holiday season.

Communications:

None

Mayor's Report:

Mayor Glasser encouraged everyone to attend the annual Christmas parade tomorrow evening at 6:30 p.m. and includes the Christmas Tree lighting. Additionally, this Saturday evening at 5:00 p.m. at the Somers Mansion, there will be a Christmas Tree lighting hosted by CER Office and the Economic Development Advisory Commission. Mayor Glasser announced that the holiday porch performances will begin at 6:00 p.m. Mayor Glasser added that the Pearl Harbor Day ceremony will be held this Sunday, 12/8 at 1:00 p.m. at the beach. Mayor Glasser reported that he attended a State-wide award ceremony where City Engineer, Greg Snyder, received an award for his fabulous work on the transient marina.

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Administrator's Report:

Wes Swain, City Administrator, reported and explained the Storm Water, and the City has a Tier A permit. The permit addresses storm water quality issues as it relates to new and existing development by implementing statewide basic requirements. The City has 43 outfall pipes, and each year they are inspected. In 2018, the City swept 95 miles of streets and collected about 28 tons of debris. The City operates 649 catch basins, and in 2018 removed 25 tons of debris while cleaning the basins. The City continues to replace storm grates that are better designed to prevent pollutants entering the storm drain. The City has annual employee training.

Solicitors Report:

None

Committee Reports:

Councilwoman Johnston gave a year-end report on the Economic Development Advisory Commission (EDAC). They have ordered new flags for Bay Avenue with the Bayfest Committee that includes the Somers Point logo. They have worked on the Somers Point Mansion renovations with a fresh coat of paint and cleaning inside. They personally welcomed many businesses into town. EDAC created the idea of Christian Rock beach concerts every Thursday, which were very successful and hope to expand next year. There is an EDAC representative on the Conceptional Review/Technical Review Committee that will be helpful for new businesses. EDAC helped design and locate signage for the transient marina and worked with the City Engineer. They would like to continue to assist with the transient marina next year. Additionally, EDAC sent out 25,000 advertising pieces for Ocean City rental buckets and supported three electric car chargers. EDAC is currently working on six videos for social media. Also, EDAC helped support various events such as the car show, April in Paris, Art in the Park, Restaurant Week and Somers Mansion projects. EDAC worked on the City display board and the kiosk. The EDAC developed stronger relationships with Cape May County Mainland and Ocean City Chambers. Currently, EDAC is updating the City website. EDAC is planning the following projects for the year 2020: parking regulations in tourism areas, outdoor seating ordinance, bike and school partnerships, training people to educate bike safety, acquiring additional bike racks and continue working on videos to market the town. Council President McGuigan thanked her for the report.

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Approval of Minutes: On the motion of Councilman D’Adamo, seconded of Councilman Tapp and carried, the Regular Meeting Minutes of 11/14/2019 and Executive Session Meeting Minutes of 11/14/2019 as to content only were approved.

Ordinances:

Ordinance No. 16 of 2019

(Second Reading/Public Hearing/Adoption)

The meeting was duly opened to the public and hearing nothing, it was duly closed. The ordinance was adopted by unanimous roll call vote of those present.

No 16 of 2019

Ordinance Amending and Readopting Ordinance No. 15 of 2015, Also Known as Chapter 228 - Taxation, Article IV- Five Year Tax Exemption; and Repealing All Ordinances Heretofore Adopted the Provisions of Which are Inconsistent Herewith

Whereas, the City of Somers Point previously adopted, pursuant to N.J.S.A. 40A:21-1 *et. seq.*, Chapter 228 - Taxation, Article IV- Five Year Tax Exemption by Ordinance No. 15 of 2015 for the purposes expressed therein ; and

Whereas, in the judgment of the City Council for the City of Somers Point, it is in the public interest for the aforesaid program to be continued for an additional period of five years.

Now, therefore, be it Ordained by the City Council for the City of Somers Point, County of Atlantic and State of New Jersey, that:

Section 1: §228-33 Period of eligibility Performance guaranties, is hereby amended to read as follows:

“This article and the opportunity to apply for tax exemption shall expire on December 31, 2024, after which no further applications shall be accepted unless this article shall have been readopted by City Council in accordance with the Exemption Law.”

Section 2: Readopting Five-Year Tax Exemption Program

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Except as amended herein, Chapter 228 - Taxation, Article IV- Five Year Tax Exemption shall be and is hereby readopted in its entirety pursuant to N.J.S.A. 40A:21-1 *et. seq.*

Section 4: Severability and Effectiveness Clause.

- A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- B. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 5: Effective Date.

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

Resolutions:

On the motion of Councilman Tapp, seconded of Councilman D'Adamo to waive the 48- hour rule to add Resolution No. 233 of 2019.

Public Portion on Resolutions:

The Public Portion was duly opened.

Shop Steward and Police Officer LeRoy Gandy addressed the Governing Body and congratulated the Local Teamsters with their new contract. He expressed his concern that the police department is working without a contract and hopes to have a contract soon.

Bill Collins requested an explanation of Resolution No. 231 of 2019. Mr. Swain explained the project to Mr. Collins and the necessity of a change order.

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

Resolution No. 225 of 2019

M/S-D'Adamo/Johnston

The resolution was adopted by unanimous vote of those present.

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Resolution No. 225 of 2019

Subject: Authorizing the Historic Preservation Fund Grant from the New Jersey Historic Preservation Office

Introduced By: Councilman Gerety

WHEREAS, the Certified Local Government (CLG) program offers municipalities the opportunity to participate more directly in state and federal historic preservation programs; and

WHEREAS, participation in the Certified Local Government program requires that a municipality have a historic preservation ordinance and a historic preservation commission conforming to the specifications of both the Municipal Land Use Law and the National Park Service approved New Jersey Certified Local Government Guidelines; and

WHEREAS, as a Certified Local Government, the City of Somers Point is eligible to apply for Historic Preservation Fund (HPF) grants for a variety of local preservation activities; and

WHEREAS, Historic Preservation Fund grants can be used to cover the areas of survey, registration, planning and education; and

WHEREAS, the City of Somers Point desires to further the public interest by obtaining a grant from the State of New Jersey in the approximate amount of \$24,999 to develop plans and specifications for enhancements to Somers Mansion; and

WHEREAS, no local match is required for these grant funds.

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

1. The City shall apply for the aforementioned Grant.
2. Mayor John L. Glasser, Jr., or the successor to the title of Mayor, is hereby authorized to make an application for this grant.
3. If the grant is awarded to the City, the Mayor and City Clerk are authorized to execute a grant agreement with the State for a grant in an amount not less than \$9,000 and not more than \$24,999, and to execute any necessary amendments thereto.
4. The City of Somers Point agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

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Resolution No. 229 of 2019

M/S-Tapp/Toto

The resolution was adopted by unanimous vote of those present.

No. 229 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 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

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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.

Resolution No. 230 of 2019

M/S-Tapp/D'Adamo

The resolution was adopted by unanimous vote of those present with Councilman Dill and Council President McGuigan recusing themselves from the discussion regarding an Agreement with lieutenant John Barbieri.

No. 230 of 2019

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Potential Contract Negotiations Related to the Teamsters Union Local No. 115 Collective Bargaining Agreement and a proposed Agreement with Lieutenant John Barbieri

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 (2) issues 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 5, 2019, during a public meeting to be held commencing at 7:00 P.M, and

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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 topics to be discussed are issues related to negotiations related to the Teamsters Union Local No. 115 Collective Bargaining Agreement and a proposed Agreement with Lieutenant John Barbieri.

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 reasons.

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, if any

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Resolution No. 231

M/S-Toto/Tapp

The resolution was adopted by unanimous vote of those present.

Resolution No. 231 of 2019

Subject: Change Order – Higbee Pier Dredging and Resiliency Embankment

Introduced by: Councilmen Dill and D’Adamo

WHEREAS, in accordance with Resolution 163 of 2018, Wickberg Marine Construction, Inc. of Belford, N.J., was awarded the contract for the Higbee Pier Dredging and Resiliency Embankment project for the sum of \$962,260.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$962,260.00
Change order 1 (deduct to reflect as-built quantities)	(\$ 55,000.00)
Revised Contract Amount	\$907,260.00

Total Deduction: \$55,000.00 Total Additional: \$ 0 Net Change: -5.72%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Higbee Pier Dredging and Resiliency Embankment project is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 232

M/S-Toto/D’Adamo

The resolution was adopted by unanimous vote of those present.

No. 232 of 2019

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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:

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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Resolution No. 233 of 2019

M/S-Toto/Tapp

The resolution was adopted by unanimous vote of those present.

No. 233 of 2019

Subject: Tax Overpayment Refund

Introduced by: Council President McGuigan

WHEREAS, the below listed overpayment for the years designated is held in reserve by the City of Somers Point; and

WHEREAS, the property tax payments were paid by the mortgage company creating an overpayment on the 4th quarter 2019 and;

WHEREAS, the mortgage company has requested the overpayment be refunded to Daniel F. Shrom.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to Danel F. Shrom.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Previous Property Owner	Amount	Year
120.01	4.01	Daniel F. Shrom	\$1,470.74	2019
			Total:	\$1,470.74

Recess:

City Council recessed at 7:36 p.m. prior to going into Executive Session.

Reconvene in Regular Session:

After Executive Session, City Council reconvened in Regular Session at 7:54 p.m.

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Resolution No. 227 of 2019

M/S-Dill/Tapp

The resolution was adopted by unanimous roll call vote of those present. Councilman Dill thanked everyone involved for their flexibility and ability to come to an agreement.

Resolution No. 227 of 2019

Subject: Accepting a Memorandum of Agreement and Authorizing an Agreement with Teamsters Union Local No. 115

Introduced By: Councilpersons Dill, Toto and Johnston

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115 were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2017 through December 31, 2019; and

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115, through diligence and compromise, have negotiated the terms and conditions of a successor contract and a revised salary schedule; and

WHEREAS, those terms and conditions have been memorialized in a Memorandum of Agreement dated November 15, 2019 which has been signed by the Business Agent of Teamsters Union Local No. 115 and the City Administrator and which is attached hereto and made a part hereof; and

WHEREAS, the term of the successor agreement shall be from January 1, 2020 through December 31, 2022.

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

1. The attached Memorandum of Agreement dated November 15, 2019 is hereby accepted by City Council and has been reduced to a formal written agreement.
2. Mayor John L. Glasser, Jr. and City Clerk Lucy R. Samuelsen are hereby authorized to sign the agreement between the City of Somers Point and the Teamsters Union Local No. 115 on behalf of the City.

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Resolution No. 228 of 2019

M/S-Tapp/Johnston

The resolution was adopted by unanimous roll call vote of those present with Councilman Dill and Council President McGuigan recusing themselves.

Resolution No. 228 of 2019

Subject: Authorizing agreement with John Barbieri

Introduced By: Councilpersons Tapp, Toto and Johnston

WHEREAS, Lieutenant John Barbieri intends to retire from the Somers Point Police Department effective March 31, 2020; and

WHEREAS, upon retirement John Barbieri is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2012 between the City of Somers Point and Mainland PBA Local 77 Somers Point Police Superior Officers and which may be modified by an agreement currently being negotiated which will have an effective date of January 1, 2017; and

WHEREAS, among the payments and benefits that may be due him, the City of Somers Point has determined that John Barbieri has a maximum reimbursable total of 175.87 days of unused sick leave; and

WHEREAS, at this time, the City and John Barbieri desire to address only the payment of a portion of his unused sick leave.

NOW, THEREFORE, the City Council of the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with John Barbieri in the form attached hereto and made a part hereof which addresses a portion of his maximum reimbursable total of unused sick leave due upon retirement.

Old Business:

Councilman Dill stated that they are still working on the ambulance response and will attend a meeting in the near future.

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New Business:

On the motion of Councilman Dill, seconded of Councilman Tapp and carried to approve the request to waive raffle fees for American Legion Post #352 Clark Eliason Pull Tabs with Councilman Toto recusing himself.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 11/18/19 in the amount of \$ 2,044,665.56 and a Bill List dated 12/3/19 in the amount of \$1,877,587.33.

Public Portion

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

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.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC

Municipal Clerk

Approved: 12/19/2019