

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 14, 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: Toto, Gerety, D’Adamo, McGuigan, Meischker, Dill, Tapp

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, City Solicitor Randy Lafferty

Absent: None

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk’s Office.

Public Portion on Resolution:

The Public Portion was duly opened to consider Resolution Numbers 57, 58, 59, 60 and 61 of 2019. Hearing nothing from the public, it was duly closed.

Resolution No. 61 of 2019

M/S: Dill/Toto

The resolution was adopted by unanimous vote of those present.

Council President McGuigan mentioned that the pastor serves as pastor for the New Jersey State Police, the Atlantic County Sheriff’s Department, the Linwood Police Department, the 200 Club and the Law Enforcement Unite Bike tour. Council President McGuigan extended his appreciation to Pastor Strugala for volunteering his time. Mayor Glasser stressed the importance of having Pastor Strugala as a support service. City Councilman Meischker commended Acting Police Chief Somers for his leadership and making this resource available to the police department. Mayor Glasser proudly swore in Pastor Strugala that ended in a round of applause.

No. 61 of 2019

Appointing Reverend Louis Strugala – Police Chaplain

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WHEREAS, it is the desire of the City Council of the City of Somers Point to appoint Pastor Louis Strugala as the Police Chaplain for the Somers Point Police Department; and

WHEREAS, Pastor Strugala is in good standing as an ordained clergyman with basic training as a chaplain; and

WHEREAS, Pastor Strugala has agreed to serve on as a volunteer in the role of the Police Chaplain without rank, salary, or any other benefits; and

WHEREAS, the Police Chaplain will report to and be directed by the Chief of Police, his duties shall include, but not be limited to, assisting the department with Death Notices, station house adjustments, confidential counseling of any Police Officer who seeks such counseling, and any other duties that maybe assigned by the Police Chief;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Pastor Louis Strugala is appointed as the Chaplain of the Somers Point Police Department by the City Council of the City of Somers Point, to serve in that capacity until December 31, 2019.

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude and appreciation to Pastor Strugala for agreeing to service in this role.

Resolution No. 59 of 2019

M/S: Dill/Gerety

The resolution was adopted by unanimous vote of those present.

Councilman Toto commended Patrick Butler and extended his congratulations and appreciation for his service. City Councilman Dill thanked him for everything he does for our Country and wished him much success in the future. Mayor Glasser indicated to earn this metal so early in his career is extraordinary, and the Mayor extended his congratulations and appreciation. City Councilman D'Adamo congratulated him and thanked him for his service. He added that his achievements are a positive reflection on the City. Councilman Meischker mentioned it is a great reflection on yourself, your family and the community and thanked him for his service. Councilman Tapp also thanked him for his service. City Council President McGuigan stated that he is sure our Country is proud of you and the community and City Council are proud of you; and it is an achievement that your parents are very proud of you. Council President McGuigan offered his blessings and congratulations. With a standing ovation, Mayor Glasser presented Patrick with the resolution.

No. 59 of 2019

Saluting Patrick Butler – Army Achievement Medal

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WHEREAS, Patrick Butler enlisted in the United States Army; and

WHEREAS, Patrick is a 2014 graduate of Mainland Regional High School and a longtime resident of Somers Point; and

WHEREAS, Patrick finished first in his class in academics and physical fitness; and

WHEREAS, Patrick earned the Distinguished Honor Graduate for Company A 16th Ordnance Bn Class 130 of Fort Lee, Virginia; and

WHEREAS, Patrick was awarded the Army Achievement Medal by his Command during graduation ceremonies on November 11, 2018; and

WHEREAS, Patrick's awards and record of service reflect well upon his home town and its citizens;

Now therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point recognize and congratulate Pfc Patrick Butler for his achievements and his dedication; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Patrick for his service to his country and their best wishes to him in all his future endeavors.

Resolution No. 57 of 2019

M/S: Toto/Dill

The resolution was adopted by unanimous vote of those present.

City Council President McGuigan extended his congratulations and mentioned that is refreshing that the younger generation is stepping up and serving their community with distinction.

Councilman Tapp exceedingly thanked him for his service of ten years. Mayor Glasser stated that it brings honor to him and the City and he cannot thank the fire department enough for protecting the City. Mayor Glasser proudly presented him with the resolution ending with a round of applause.

No. 57 of 2019

Congratulating Don Dunlevy - Somers Point Fire Company #1 - Firefighter of the Year

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WHEREAS, the City of Somers Point is extremely fortunate to have been blessed with many men and women who volunteer to serve as members of our Fire Department and answer the call to protect our citizens and their property when needed; and

WHEREAS, the all-volunteer fire department alleviates a considerable financial burden on the taxpayers of this community and is a source of pride for the city; and

WHEREAS, Don Dunlevy joined Somers Point Fire Company #1 in February of 2009; and

WHEREAS, Don has always maintained a high percentage of calls answered and is a trustworthy, honest, and dependable firefighter; and

WHEREAS, in addition to be Firefighter I certified, Don has continued to further his training and education by taking numerous courses and recently started classes to be a New Jersey Certified EMT; and

WHEREAS, Don currently holds the office of Treasurer for Fire Company #1 and is a past President of the Company; and

WHEREAS, Don is also an asset on the administration side of the Fire Company and worked hard on the recent major renovations to the fire house; and

WHEREAS, Don Dunlevy was selected as Firefighter of the Year for 2018 at Somers Point Fire Company #1.

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Don Dunlevy for this achievement and for his dedication to the Somers Point Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Don and their best wishes to him in all his future endeavors and services.

Resolution No. 58 of 2019

M/S: Dill/Toto

The resolution was adopted by unanimous vote of those present.

Councilman Dill stated that he does a great service for the City and thanked him for his service. Mayor Glasser congratulated and thanked him for his service. City Council President McGuigan stated that 25 years is a long time to volunteer and he and his family should be proud of it as the City is very proud of his accomplishment and commitment. Mayor Glasser presented Jay Loder with the resolution that was celebrated with a round of applause.

No. 58 of 2019

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Saluting Mr. Jay Loder – 25 Years of Service with Somers Point Fire Company

WHEREAS, Jay Loder joined Somers Point Fire Company #1 in May of 1994; and

WHEREAS, Jay has been an active member of the Somers Point Volunteer Fire Company for 25 years; and

WHEREAS, Jay, who has served with distinction, dedicated countless hours and energy to the Fire Company, maintaining a high percentage of calls attended; and

WHEREAS, Jay currently serves as Assistant Chief and in the past, has held the offices of Lieutenant, Captain, Fire Marshall, as well as President of the Fire Company; and

WHEREAS, the all-volunteer fire department is part of the fabric of the community and is a great source of pride for the city; and

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Mr. Jay Loder for reaching this milestone of service with the Somers Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Jay for his dedication to the citizens of Somers Point.

Resolution No. 60 of 2019

M/S: Gerety/Toto

The resolution was adopted by unanimous vote of those present.

Councilman Dill reminisced that when he moved to Somers Point in 1967, the Cottrell family was the first family that he met. He stated that quickly he found that the Cottrell families were totally dedicated to their community. Councilman Dill thanked her for her long service to the City. Mayor Glasser extended his great appreciation and congratulations to Louise Cottrell. Councilman D’Adamo mentioned that she is an inspiration to him and the City. Councilman Meischker pointed out that among the Cottrell family members, there is 150 years of service. Councilman Meischker thanked her for her service. Councilman Tapp stated that it is not only 50 years of service; it’s 50 years of volunteer service that is 7 days a week, 24 hours a day. He exceedingly thanked her for her exceptional service to the City. Councilman Gerety mentioned that it has been a pleasure having them in our lives. He thanked Louise Cottrell for her dedication and service to the community. He added that the extraordinary length of volunteer

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service shows what Somers Point is made of and the sacrifice that you have given the City. Council President McGuigan stated that after 50 years of volunteer service, thank you just doesn't seem to be enough. Additionally, he stated that the City is blessed with her astounding devotion and dedication to the City. Council President McGuigan thanked her and extended his congratulations on her achievement. Mayor Glasser proudly presented her with the resolution that was celebrated with a standing ovation.

No. 60 of 2019

Saluting Louise Cottrell. – 50 Years of Service with Somers Point Fire Company Auxiliary

WHEREAS, Louise Cottrell is a long-time resident of the City of Somers Point; and

WHEREAS, Louise joined the Somers Point Volunteer Fire Company Auxiliary in 1968 and has been an active member for 50 years; and

WHEREAS, the primary objective of the Auxiliary is to provide the Fire Company with whatever is needed for it to succeed at its mission, including fundraising efforts, as well as supporting the firefighters with coffee and refreshments at the scenes of fires and other major emergencies; and

WHEREAS, Louise served as the Recording Secretary from 1998 to 2017, and has committed countless hours of time and energy to the Auxiliary; and

WHEREAS, still to this day, Louise is active in all of the Auxiliary's efforts and her dedication continues to be an inspiration to all of the members; and

WHEREAS, the Auxiliary is an integral part of the all-volunteer fire department; and

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Louise Cottrell for reaching this milestone of service with the Auxiliary of the Somers Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Louise for her long-time dedication to the citizens of Somers Point.

Communications:

None

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Mayors Report:

Mayor Glasser sent a letter to New Jersey Department of Transportation regarding the condition of the southbound Shore Road, and he received a response indicating that the NJDOT staff will review the correspondence and request.

City Administrators Report:

None

Solicitors Comments:

None

Committee Reports:

City Council President McGuigan mentioned that Councilman Meischker will serve on the Arts Commission, and Councilman Gerety will serve on the Economic Development Advisory Commission.

City Council President McGuigan reported that the Finance and Budget Committee met with the City Administrator, Assistant City Administrator and Department Heads for budgeting for 2019.

Councilman Meischker had a site visit at the Police Department for reburnishing the department and will submit budget numbers to Council President McGuigan in the near future.

Approval of Minutes:

M/S: Dill/Toto

The Reorganization Meeting Minutes of 1/4/2019 were approved.

Ordinances:

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Ordinance No. 1 of 2019

M/S: Dill/Gerety

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

**ORDINANCE NO. 1 OF 2019
An Ordinance Amending Ordinance No. 27 of 2013,
an Ordinance of the City of Somers Point,
County of Atlantic, New Jersey, Establishing
the Rates, Fees, Rents and Other Charges of
the City of Somers Point Sewer Utility.**

BE IT ORDAINED by the City Council of the City of Somers Point, that, in accordance with the Municipal and County Sewerage Act, N.J.S.A. 40A:26-A-1 et seq., Section 1 of Ordinance No. 27 of 2013 is hereby amended, and the following schedule of rates, fees, rents and other charges is hereby implemented:

**Rates and Charges
of the
City of Somers Point Sewer Utility**

SECTION 1.

1. The minimum charge per equivalent domestic unit shall be \$378.00 annually.
2. The annual unit sewer charge based on the type of property served shall be as follows:
 - (a) Private dwellings, condominium units and cooperative units basic charge \$378.00
 - (b) Structures with apartments - each apartment \$378.00
 - (c) Hotels, rooming houses and private dwellings with rented rooms –
basic charge \$378.00
plus each rented room \$274.00
 - (d) Motels - each standard rental unit \$274.00
- each efficiency rental unit \$378.00
 - (e) Small Businesses/Professional Office/Professional Condo Office –
Minimum one charge for each office \$378.00
Additional charges based on water consumption \$378.00
 - (f) Trailer parks - each trailer \$378.00

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- (g) Service stations and garages \$378.00
- (h) Service stations and garages with washing facilities \$756.00
- (i) Pumpout facilities for marinas \$378.00
- (j) Churches \$378.00
- (k) Public buildings \$756.00

(l) The service charge for the use of services of the sewerage system for the persons who are hereinafter designated, shall be and the same is hereby fixed and determined as follows: The calculation of the said service charge shall be based and computed on the consumption of water on or in connection with the real property of such persons, which water

consumption shall be determined by the reading of the water use meter used in connection with the real property of such person during the highest three (3) month period of such water used during any given billing year; such water use thus determined shall then be divided by a factor of twenty-seven thousand (27,000) and the quotient shall then be rounded upwards to the next highest whole number; the said quotient shall then be multiplied by a factor of \$378.00, and the resulting product, which shall be expressed in terms of dollars, shall be the annual sewerage charge for such persons.

The persons referred to in this section are the following: self service laundries, schools, restaurants, diners, bars, taverns, nursing homes, hospitals, bowling alleys, theatres, shopping centers, barber shops and beauty parlors. Large business establishments or industrial plants and other commercial establishments not herein specifically mentioned.

(m) Any building, institution, commercial or industrial establishment discharging wastes other than domestic sewage will pay a premium charge for the waste. If the waste discharged into the sewer system by industrial users is stronger than allowed by the rules and regulations, the user shall pay a premium charge for the extra strength waste applied as a factor against the annual charge in category. The premium charge shall be based on the following formula for determination of the multiplication factor.

Factor= $53.0\% + 19\%(\text{BOD in ppm}^*) + 22\%(\text{ss in ppm}^*) + 6\%(\text{chlorine demand in ppm}^*)$

300 350 5

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*Where these figures are less than 300 ppm in BOD or 350 ppm in suspended solids or 5ppm in chlorine demand, the value in the parentheses () shall be equal to "1".

The industrial user will be required to submit a report at least once monthly indicating the strength of sewage entering the Utility's system. The report shall be from an independent laboratory approved by the Utility. For billing purposes during any one year, the Utility will take the average of the samples submitted for use in determining the strength factor. If no reports are submitted to the Utility then the Utility reserves the right to obtain representative samples and use the results obtained from the samples to determine the factor for billing purposes. The cost of any tests required to be performed by the Utility will be added to the user's charges.

All other provisions relating to industrial wastes will be found in the Rules and Regulations of the Utility.

- (n) Notwithstanding anything to the contrary in this section, the minimum service charge to be paid with respect to any type of property shall be\$378.00

SECTION 2:

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

SECTION 3:

This Ordinance shall take effect after final passage, adoption and publication according to law.

On the motion of Councilman Dill, seconded of Councilman Meischker and carried to waive the 48 hour rule and add Resolution No. 64.

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Public Portion on Resolution:

The Public Portion was duly opened to consider the following resolutions and hearing nothing from the public, it was duly closed.

Resolution No. 49 of 2019

M/S: Dill/Gerety

The resolution was adopted by unanimous vote of those present.

Mr. Rafferty explained that the six years listed in the resolution is abiding by the statute of limitations.

No. 49 of 2019

**Subject: A Resolution Adopting a Policy Concerning the
Collection of Unbilled and Under Billed Sewer Utility Services**

Introduced By: Council President McGuigan and Councilmen Dill and Gerety

WHEREAS, the City of Somers Point recognizes that, from time to time, the Somers Point Sewer Utility may discover that ratepayer accounts may have been unbilled or under billed; and

WHEREAS, the City of Somers Point has determined that a Policy is needed to address the collection of unbilled or under billed sewer service charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the policy to address the collection of unbilled or under billed sewer service charges is hereby adopted as follows:

- 1) The Somers Point Sewer Utility will, for the purpose described in this resolution, follow a six (6) year statute of limitations, and will only bill up to six (6) years of arrearages for unbilled or under billed services.
- 2) The Somers Point Sewer Utility will not assess interest or penalties on the arrearage.
- 3) The Somers Point Sewer Utility, at its discretion, will allow a payment plan up to but no greater than the time period of the arrearages being collected.

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Resolution No. 50 of 2019

M/S: Gerety/Toto

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

No. 50 of 2019

Subject: Change Order #1 – Contract No. 7 – 2017 Sanitary Sewer Gravity Main Rehabilitation

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 60 of 2018, North American Pipeline Services LLC of Freehold, New Jersey was awarded the contract for the 2017 Sanitary Sewer Gravity Main Rehabilitation project for the sum of \$221,862.00; and

WHEREAS, during the course of construction changes were made to reflect the requirement of uniformed traffic directors, State Police, on State Road; and

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

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

Base Contract	\$221,862.00
Change order 1 (additional heavy cleaning work)	\$14,500.00
Revised Contract Amount	\$236,362.00

Total Deduction: \$0 Total Additional: \$14,500.00 Net Change: 6.54%

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 2017 Sanitary Sewer Gravity Main Rehabilitation project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 51 of 2019

M/S- Gewrety/Toto

The resolution was adopted by unanimous vote of those present.

No. 51 of 2019

Subject: Change Order #2 – Contract No. 7 – 2017 Sanitary Sewer Gravity Main Rehabilitation

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 60 of 2018, North American Pipeline Services LLC of Freehold, New Jersey was awarded the contract for the 2017 Sanitary Sewer Gravity Main Rehabilitation project for the sum of \$221,862.00; and

WHEREAS, during the course of construction changes were made to reflect the requirement of uniformed traffic directors, State Police, on State Road; and

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

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

Base Contract	\$221,862.00
Change order 1 (additional heavy cleaning work)	\$14,500.00
Change order 2 (uniformed traffic directors on State Road)	\$7,825.60
Revised Contract Amount	\$244,187.60

Total Deduction: \$0 Total Additional: \$22,325.60 Net Change: 10.06%

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 2017 Sanitary Sewer Gravity Main Rehabilitation project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 52 of 2019

M/S- Gerety/D’Adamo The resolution was adopted by a majority vote of those present.

No. 52 of 2019

Subject: Change Order #3 – Contract No. 7 – 2017 Sanitary Sewer Gravity Main Rehabilitation

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 60 of 2018, North American Pipeline Services LLC of Freehold, New Jersey was awarded the contract for the 2017 Sanitary Sewer Gravity Main Rehabilitation project for the sum of \$221,862.00; and

WHEREAS, during the course of construction changes were made to reflect mainline grout repair; and

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

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

Base Contract	\$221,862.00	
Change order 1 (additional heavy cleaning work)	\$14,500.00	
Change order 2 (uniformed traffic directors on State Road)	\$7,825.60	
Change order 3 (mainline grout repair)	\$4,213.00	
Revised Contract Amount	\$248,400.60	
Total Deduction: \$0	Total Additional: \$26,538.60	Net Change: 11.96%

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 2017 Sanitary Sewer Gravity Main Rehabilitation project is hereby approved and that the City Administrator is

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hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 53 of 2019

M/S- Gerety/Tapp

The resolution was adopted by unanimous roll call vote of those present of the corrected version. Administrator Swain noted a correction that should read, “additional work replacing by-pass connection of pump station” instead of “additional heavy cleaning work”

No. 53 of 2019

Subject: Change Order #1 – Contract No. 5 – Pump Station No. 2 Force Main Replacement

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 127 of 2018, Kline Construction Co. of Galloway Township, New Jersey was awarded the contract for the Pump Station No. 2 Force Main Replacement project for the sum of \$188,000.00; and

WHEREAS, during the course of construction changes were made to reflect additional work for revised manhole connection, test pit and discharge piping; and

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

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

Base Contract	\$188,000.00	
Change order 1 (additional heavy cleaning work)	\$17,550.00	
Revised Contract Amount	\$205,550.00	
Total Deduction: \$0	Total Additional: \$17,550.00	Net Change: 9.34%

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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 Pump Station No. 2 Force Main Replacement project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 54 of 2019

M/S: Gerety/Tapp

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

No. 54 of 2019

Subject: Appropriation Reserve Transfer

Introduced by: Council President McGuigan and Councilmen Dill and Gerety

WHEREAS, N.J.S. . 40A:4-1 et.seq. allows budget appropriation reserve transfers during the first three months of the succeeding year.

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 2018 budget transfer as specified in this resolution.

Current Fund

From:

Fire Hydrants OE	8-01-31-445-283	\$5,000
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To:

Municipal Services Act OE	8-01-26-325-200	\$5,000
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Resolution No. 55 of 2019

M/S: Gerety/Toto

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

No. 55 of 2019

Subject: Authorizing the Mayor to Execute a Shared Services Agreement with the City of Somers Point Board of Education Regarding the Utilization Snow Removal Equipment

Introduced by: Council President Sean McGuigan

WHEREAS, the City of Somers Point Board of Education desires to utilize certain snow removal owned by the City of Somers Point to assist snow removal efforts on property owned by the City of Somers Point Board of Education; and

WHEREAS, the City of Somers Point desires to loan certain snow removal equipment owned by the City of Somers Point to the City of Somers Point Board of Education; and

WHEREAS, the City of Somers Point and the City of Somers Point Board of Education desire to enter into a Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. in order to facilitate the sharing of certain snow removal equipment, more specifically, a truck with a plow, under certain terms and conditions.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the Mayor is hereby authorized to execute a Shared Services Agreement with the City of Somers Point Board of Education for the utilization of certain snow removal equipment subject to the terms and conditions set forth herein.

Resolution No. 56 of 2019

M/S: Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 56 of 2019

Subject: Authorizing the Release of the Performance Bond Posted by Lexon Regarding the Completion of Certain Improvements in the Hickory Point Subdivision

Introduced by: Council President Sean McGuigan

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WHEREAS, the City and SPDC, LLC (“SPDC”) entered into a certain improvement agreement (the “Improvement Agreement”) in connection with the housing subdivision commonly known as the Hickory Point Subdivision located in the City of Somers Point, New Jersey and more specifically designated as Block 2027, Lots 1.04-1.10 and Block 2131, Lots 1.01-1.06 (the “Subdivision”). The Improvement Agreement, among other things, required SPDC to construct certain site improvements (collectively “Public Improvements”) in the Subdivision; and

WHEREAS, the Improvement Agreement required SPDC to provide a surety bond in connection with the Public Improvements. SPDC procured bond 1021858 in the penal sum of \$121,837.15 which was issued by Lexon, as surety, on behalf of SPDC, as principal, and the City, as obligee (the “Bond”); and

WHEREAS, the City has declared SPDC in default of the Improvement Agreement alleging that SPDC has failed to complete certain Public Improvements; and

WHEREAS, the City made a claim against the Bond held by Lexon Insurance Company (“Lexon”) for the completion of the Public Improvements; and

WHEREAS, the City and Lexon have worked together to prioritize the work remaining to be completed and furthermore agreed that Lexon was to complete the improvements, as the same are memorialized within an Agreement dated on or about January 24, 2019 (“Lexon Agreement”); and

WHEREAS, Lexon, by and through its Contractor, did in fact complete the work specified within the Agreement; and

WHEREAS, Lexon has now requested that the City of Somers Point release its Performance Bond posted for the Subdivision in the amount of \$121,837.15 which had been posted and held to guarantee the performance of the work specified within the Lexon Agreement; and

WHEREAS, the City Engineer has reviewed this request and inspected the Project and determined that said Performance Bond can be released, as set forth in their February 7, 2019 letter attached hereto and incorporated by reference herein.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that based upon the City Engineer’s letter and recommendation dated February 7, 2019 hereby releases and discharges the aforescribed Performance Bond of Lexon Insurance Company for the Hickory Point Subdivision, more specifically designated as Block 2027, Lots 1.04-1.10 and Block 2131, Lots 1.01-1.06, within the City of Somers Point.

Resolution No. 62 of 2019

M/S-

The resolution was tabled.

No. 62 of 2019

HONORING THE LIFE AND TIMES OF

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SOMERS POINT K-9 POLICE OFFICER SONNY

WHEREAS, the Somers Point Police Department and the City Council of the City of Somers Point were saddened to learn of the passing of Retired K9 Police Officer Sonny; and

WHEREAS, Retired K9 Police Officer Sonny was accepted into the Somers Point Police Department in December, 2008: and

WHEREAS, during his long career, Sonny, acting with his partner K-C Officer Mark McElwee, was responsible for countless warrant arrests and tracking activities aiding in locating criminals and recovering stolen property to be entered into evidence; and

WHEREAS, Sonny truly fulfilled his obligation to Detect and Protect; and

WHEREAS, K9 Sonny played a major role in our Community Awareness Program and had been an ambassador for the City of Somers Point, loved and admired by many; and

WHEREAS, upon retirement from the Police Department in 2016, Sonny lived with K-9 Officer McElwee with whom he had forged a relationship of love, loyalty, and respect.

Now therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point recognize and salute Officer Sonny's service to the Somers Point Police Department and to the citizens of this community; and

It is further **RESOLVED** that we extend our sincere condolences to K9 Officer Mark McElwee, the McElwee Family, and all those who loved Sonny, may he rest in peace.

Resolution No. 63 of 2019

M/S: Toto/Dill

The resolution was adopted by unanimous vote of those present.

Councilman Toto there was funding removed from the veterans and placed into the General Fund and this resolution requests the funding be replaced for transportation of veterans to doctors visits and general outings.

No. 63 of 2019

Urging Full Funding of The Department of Military and Veterans' Affairs

Introduced by: Councilman James Toto

WHEREAS, the City Council of the City of Somers Point has been made aware that there have been certain funding reductions in the budget of the Department of Military and Veterans'

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Affairs for the Fiscal Year 2019, which deductions impact programs that the Council believe are critical for veterans' affairs and military services; and

WHEREAS, a review of the analysis of the New Jersey Budget prepared by Department of Military and Veterans' Affairs for Fiscal Years 2018- 2019 provides that the Fiscal Year 2019 budget recommendation provided \$1 Million dollars less than the level of funding in Fiscal Year 2018 for resident veterans; and

WHEREAS, the analysis of the Department of Military and Veterans Affairs also concluded that the Governor's Budget Recommendation for the Fiscal Year 2019 discontinued language which authorized an additional appropriation of \$1 Million Dollars for transportation services, free of charge for residents of Veterans Memorial Homes for transportation to and from appointments for ancillary health care; and

WHEREAS, communication between City Council members and the offices of local legislators confirmed that the Fiscal Year 2019 Budget provided \$1 Million Dollars less than the previous budget for Veterans Memorial Home Transportation and \$2,000,000 less for National Guard Support Services; and

WHEREAS, the City Council of the City of Somers Point is opposed to such reductions in funding for the Department of Military and Veterans Affairs.

Now therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point urge the Governor and the State Legislature to review the budget for the Department of Military and Veterans' Affairs for Fiscal Year 2019 and to replace the funding referenced above at a level consistent with Fiscal Year 2018; and

It is further **RESOLVED** that the City Council of the City of Somers Point urges that such funding be included in budgets and be made available on an ongoing basis in regard to future budgets; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the State Senator and Members of the General Assembly of the Second Legislative District and further be provided to the Municipal Clerks of all municipalities in the County of Atlantic with a request that the governing bodies of such municipalities join in support of the Department of Military and Veterans' Affairs programs as demonstrated in this Resolution.

Resolution No. 64 of 2019

M/S: Toto/Dill

The resolution was approved by unanimous vote of those present.

No. 64 of 2019

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 14, 2019**

Subject: Taxes Cancelled and Refunded

Introduced by: Council President McGuigan

WHEREAS, the property owner at 96 Mays Landing Road is a widow of a 100⁰0 permanently and totally disabled veteran as of September 17, 2018; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption beginning on September 17, 2018; and

WHEREAS, the taxes from September 17, 2018 to September 30th, 2018 should be canceled in the amount of \$ 368.90.

WHEREAS, the owner has paid his 4th quarter 2018 taxes creating an overpayment in the amount \$ 2,371.63

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled, and overpayment be reimbursed.

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	Qual.	Owner	Amount	Year
2041	6.02	Doris Shull	\$ 2,740.53	2018
TOTAL.....			\$ 2,740.53	

Old Business:

None

New Business:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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None

Discussion of Bills:

Administrator Swain reported a Record of Payments dated 2/1/19 in the amount of \$ \$600; and additional bill list of \$9,505.36; and a Bill List dated 2/12/19 in the amount of \$2,849,156.46.

Public Portion:

The meeting was duly opened to the public and hearing nothing from the public, the meeting was duly closed.

Payment of Bills:

M/S: Tapp/Gerety

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:

Council President McGuigan wished his lovely wife Happy Valentine's Day. There being no further business to come before Council, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 3/14/19