

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
March 22, 2018**

**Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag.**

**Roll call was recorded as follows:**

**Present:** Dill, Gerety, D'Adamo, Meischker, Toto, Tapp, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, City Clerk Samuelsen, Deputy City Clerk Heath, Assistant City Administrator, Jason Frost, Attorney Lafferty

**Absent:** None

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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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**Communications:**

None

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**Mayor's Report:**

Mayor Glasser referred to Resolution No. 79 on this evening's agenda regarding the hiring of a new police officer. He indicated that he will swear in Ryan Shook at 3:00 p.m. on March 30<sup>th</sup> in City Council Chambers.

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**Administrator's Report:**

None

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**Solicitor's Report:**

Mr. Lafferty advised that regarding Ordinance No. 1, Joel M. Fleishman, Esq., Planning Board Solicitor, forwarded a letter informing the Mayor and City Council that the Planning Board has no recommendations; however, that is not the statutory requirement. Mr. Lafferty indicated that the City will need to wait the 35 days, which is 3/29/18.

Mr. Lafferty informed the Governing Body that cannabis legislation is imminent this summer. He explained that some cities may be able to opt out, but with a penalty. He advised to create an advisory committee regarding zoning issues. Once the legislation is adopted, the law will become effective some time next year.

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**Committee Reports:**

None

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**Approval of Minutes:**

M/S – Meischker/D'Adamo

The Regular Minutes of 3/8/2018 and the Budget Meeting minutes of 3/8/2018 were approved by a unanimous vote of those present. Councilman Dill abstained as he was not present for the meeting.

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**Ordinances:**

**Ordinance 2 of 2018: *First Reading/Introduction***

M/S – Dill/D'Adamo

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

**No. 2 of 2018**

**Calendar Year 2018 Ordinance to Exceed the Municipal Budget Appropriation  
Limits and to Establish a Cap Bank  
(N.J.S.A. 40A: 4-45.14)**

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**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$117,030.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$409,607.39, and that the CY 2018 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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**Ordinance No. 3 of 2018:** *First Reading/Introduction*

M/S-Meischker/Toto

The ordinance was adopted by a unanimous vote of those present

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Councilman Gerety stated that this lease encompasses this year and last year.

**No. 3 of 2018**

**An Ordinance Authorizing the Lease of Real Property Owned  
by the City of Somers Point to the Somers Point Historical  
Society, a New Jersey Corporation Recognized as a Tax  
Exempt Entity by the United States Internal Revenue Service  
for a Term of Five Years Upon Certain Conditions and  
Repealing all Ordinances Heretofore Adopted the Provisions of  
Which are Inconsistent Herewith.**

**Whereas**, the City of Somers Point (hereinafter "City") is the owner of certain real property and improvements thereon designated on the Tax Map of the City of Somers Point as Block 1614 and being a part of Lot 1, also known as a portion of 1 West New Jersey Avenue, Somers Point, New Jersey (the "Property"); and

**Whereas**, the Property has for some time been used by the Somers Point Historical Society ("Society") pursuant to a lease between the City and the Society for public purpose served by the lessee and for the benefit of the City of Somers Point, our citizens, the residents of the County of Atlantic, and for the public generally; and

**Whereas**, representatives of the City Council Budget Committee have met with representatives of the Society to discuss the terms and conditions of continuing the lease of the Property to the Society subject to approval of the City Council; and

**Whereas**, under the authority granted in the New Jersey Local Public Lands and Buildings Law and, more specifically N.J.S.A. 40A:12-14 (c) regulating leases to nonprofit corporations or associations, the City of Somers Point may enter into such a lease agreement upon adoption of an Ordinance; and

**Whereas**, in consideration for the grant of the Lease the Society agrees to pay to the City rental payments in the amount of One Dollar per year or part thereof and to comply with the terms and conditions of a lease agreement which is on file and available for inspection during normal business hours in the office of the Somers Point City Clerk; and

**NOW THEREFORE IT IS HEREBY ORDAINED** by the City Council of the City of Somers Point as follows:

**SECTION 1:**

The City Administrator is hereby authorized to execute and deliver to the Somers Point Historical Society a Lease for the term of five (5) years.

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**SECTION 2:**

The form of Lease between the City and the Somers Point Historical Society shall be substantially in the form filed in the office of the City Clerk and shall be subject to such modification as may be determined by the City Solicitor and City Administrator to be reasonable and necessary.

**SECTION 3:** During the term of the Lease the Somers Point Historical Society shall comply with the requirements imposed upon nonprofit lessees by N.J.S. 40A:12-14(c) to annually submit a report to the City Administrator setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and Federal law and that the President of the Society and the City Administrator shall be responsible for enforcement of the conditions of the lease.

**SECTION 4:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 5:** Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 6:** This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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**Resolutions:**

**Public Portion on Resolutions:**

The Public Portion was duly opened. Hearing nothing from the public, it was duly closed.

**Resolution No. 73 of 2018**

M/S-Gerety/Toto

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

Wes Swain, City Administrator, reported that the State of New Jersey requires that this is filed with the introduction of the budget annually.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

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**No. 73-2018**

**Introduced by: Council President McGuigan**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Somers Point City Council of the City of Somers Point, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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**Resolution No. 74 of 2018**

M/S – Meischker/Toto

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

**NO. 74 of 2018  
AUTHORIZING EXECUTIVE SESSION**

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**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and

N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on March 22, 2018 during a public meeting to be held commencing at 7:00 P.M, and

**WHEREAS**, there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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**“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”**

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

**Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15, negotiations, and the status of the declaratory judgment proceedings as affecting Somers Point and the status of ongoing negotiations with Fair Share Housing Center.**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 20 – 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.

**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

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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>
See Exception 7	Unknown at this time	Approval by City Council Action / Hearing / Court Order / Ordinance(s).

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**Resolution No. 75 of 2018**

M/S – Dill/Toto

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

**No. 75 of 2018**

**Subject:** Awarding Bid for the 2017 Stormwater Repairs  
**Introduced by:** Councilmen Dill and Toto

**WHEREAS,** on March 16, 2018 the City of Somers Point received bids for the 2017 Stormwater Repairs; and

**WHEREAS,** Kline Construction Co. of Galloway New Jersey was the lowest responsible bidder; and

**WHEREAS,** the City Engineer’s office has recommended that the City award the contract to Kline Construction Co. of Galloway, New Jersey in the amount of \$208,200.00.

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

- 1.) The Contract for the 2017 Stormwater Repairs is hereby awarded to Kline Construction Co. of Galloway, New Jersey in the amount of \$208,200.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Kline Construction Co. signing on behalf of the City.

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**Resolution 76 of 2018:**

**Introduction of the 2018 Municipal Budget**

M/S – D’Adamo/Toto

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

Wes Swain, City Administrator, announced the public hearing for the budget is scheduled for 4/26/2018 and indicated that the Budget Committee and then the Governing Body did a lot of work in formulating this budget. Mr. Swain thoroughly explained each page of the friendly user budget. The budget supports all the programs that City Council planned for 2018.

**No. 76 of 2018**

**Subject:       Municipal Budget of the City of Somers Point, County of Atlantic  
                  for the Fiscal Year 2018**

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

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2018;

**BE IT FURTHER RESOLVED** that said Budget be published in the Press of Atlantic City in the issue of April 10, 2018.

The Governing Body of the City of Somers Point does hereby approve the following as the Budget for the year 2017:

	D’Adamo	<b>Abstained</b> ( None
	Dill	
	Gerety	
<b>RECORDED VOTE</b>	<b>Ayes</b> ( Tapp	<b>Nays</b> ( None
	Meischker	
	McGuigan	<b>Absent</b> ( None

Notice is hereby given that the Budget and Tax Resolution was approved by the City Council of the City of Somers Point, County of Atlantic, on March 22, 2018.

A Hearing on the Budget and Tax Resolution will be held at City Hall, April 26, 2018 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

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**Resolution No. 77 of 2018**

M/S – Gerety/Toto

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

Council President McGuigan proudly stated that a great tradition will continue. Mayor Glasser and Councilman Gerety presented the resolution to Kathy Arleth, Chair of the Arts Commission. Ms. Arleth thanked the Governing Body for their support.

**No. 77 of 2018**

**Subject: Recognizing National Poetry Month**

**Introduced by: Councilman Gerety**

**Whereas**, the Academy of American Poets established the month of April as National Poetry Month in 1996; and

**Whereas**, National Poetry Month seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children’s education; and

**Whereas**, poetry enhances and enriches the lives of all; and, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

**Whereas**, poetry has produced some of the nation’s leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

**Whereas**, the governing body of Somers Point recognizes the importance of the literary arts and has created the position of Poet Laureate for the City Somers Point; and has appointed Maria Provenzano to the position for 2017-2018; and

**Whereas**, the Somers Point Arts Commission celebrates National Poetry Month by partnering with: The SJ Poets Collective in presenting the 4<sup>th</sup> annual April in Paris: *An Evening of Spoken Words & Music* on April 11, 2018 at Greate Bay Country Club *Café du Parc* from 7:00-8:30pm; with the CER office by presenting the 8-session *Writing Poetry Your Way*; and by partnering with Somers Point School District in presenting *Poetry Workshop for Area Teachers* on April 21, 2018, 10-12am

**Now therefore, be it resolved**, that the City Council of the City of Somers Point recognizes April 1 through April 30 as National Poetry Month and calls upon public officials, educators, librarians, and all the people of Somers Point to observe this month, to celebrate the

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cultural riches our community has to offer, and to recognize the important role poetry has in creating and sustaining this great nation with appropriate ceremonies, activities, and programs.

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**Resolution No. 78 of 2018**

M/S – Toto/Dill

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

Council Toto stated that this resolution is extremely important to continue the sentiments of the Governing Body.

**No. 78 of 2018**

**Subject: Resolution Calling for Defeat of Assembly Bill A773 - Proposing Gaming Expansion at State Race Tracks**

**Introduced by: Councilman James Toto**

WHEREAS, legalized casino gambling outside Atlantic City was soundly defeated 4-1, the largest margin of defeat for a ballot question in State history, just over a year ago by a State public referendum, and State legislators, both Republican and Democrat, pledged to honor that public defeat and not expand gaming outside of Atlantic City; and

WHEREAS, despite those bipartisan legislative pledges, the State Assembly recently introduced bill A773 by Assemblyman Ralph Caputo, D-Essex, to allow internet casino gambling at New Jersey racetracks; and

WHEREAS, the Assembly bill, currently in Assembly Committee, would allow betters online to gamble at New Jersey racetrack “internet cafes” by way of an internet cyber connection from authorized casino computers at casinos in Atlantic City; and

WHEREAS, each racetrack internet café could open slot parlors with unlimited numbers of slot machines and unlimited live casino internet table games, as long as the dealer was in Atlantic City and being viewed at the racetrack internet cafes on a video screen; and

WHEREAS, such authorization and usage of the internet would effectively void the public referendum, ignore the will of the people, expand gaming throughout New Jersey, erase pledges of the many legislators, violate the State Constitution restricting gaming outside of Atlantic City and turn it into the opposite result of gaming allowed throughout the State; and

WHEREAS, the result would be an extreme mockery of the public defeat of the recent referendum, all for the benefit of a tiny group of commercial interests that would make millions by the expansion of gaming state-wide;

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NOW, THERE, BE IT RESOLVED by the City Council of the City of Somers Point that it condemns Assembly bill A773 and any attempt to overthrow of the public referendum opposing gaming expansion, and calls upon the State legislative teams of Atlantic County, and

throughout the State, Republican and Democrat alike, to oppose and defeat this ill-conceived and contemptuous bill as immediately and as permanently as possible.

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**Resolution No. 79 of 2018**

M/S – Gerety/Toto

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

Council President McGuigan and Councilman Dill recused themselves. Council President Pro Tempore Tapp resided over the adoption of the resolution. Council President Pro Tempore Tapp spoke very highly of the Shook family and has known the family for many years.

**No. 79 of 2018**

**A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Police Officer From the Civil Service List and to Appoint Same to the Position of Patrolman Within the Somers Point Police Department**

**Proposed by: Mayor Glasser**

**Introduced By: Councilmen Tapp, Gerety and Toto**

**WHEREAS**, the City of Somers Point is desirous of hiring one police officer to replace an existing vacancy; and

**WHEREAS**, Ryan Shook has been selected from the State of New Jersey Civil Service List; and

**WHEREAS**, Ryan Shook is a Graduate of Richard Stockton University with a degree in Criminal Justice; and

**WHEREAS**, currently Ryan Shook is serving as an Officer in the Atlantic County Sheriff's Department and will be transferred to the Somers Point Police Department as a Patrolman; and

**WHEREAS**, Ryan Shook graduated from The Camden County Police Academy in 2016; and

**WHEREAS**, Ryan Shook is eligible to be hired off the Somers Point Civil Service List; and

**WHEREAS**, the Chief of Police and the Mayor have recommended that Ryan Shook be hired and appointed to serve as a Patrolman in the Somers Point Police Department; and

**WHEREAS**, the salary and benefits to be paid to the selected officer will be in compliance with the Somers Point Salary Ordinance and the terms and conditions of a Collective Bargaining Agreement between the City of Somers Point and Mainland PBA, Local 77; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

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**NOW, THEREFORE, IT IS Hereby RESOLVED** that the Mayor and City Council acknowledge, authorize and confirm the hiring of Patrolman Ryan Shook; and

**It is FURTHER RESOIVED**, that Patrolman Ryan Shook will be sworn in by Mayor Glasser on Friday, March 30, 2018 and will begin active service to this Community on April 1, 2018; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to Officer Shook as a member of our excellent Somers Point Police Force.

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**Resolution No. 80 of 2018**

M/S – Dill/Toto

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

**RESOLUTION NO. 80 of 2018  
AUTHORIZING EXECUTIVE SESSION**

**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** topic which involves the status of certain pending Tax Appeals which may be discussed and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations which have been asserted against the City in the Tax Court which require the advice and counsel Tax Counsel to the City of Somers Point and the Somers Point Tax Assessor, and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on March 22, 2018 during a public meeting to be held commencing at 7:00 P.M, and

**WHEREAS**, there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1** “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the

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extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

A report by the Somers Point City Tax Counsel and Tax Assessor on the status of certain tax appeals filed or pending against the City of Somers Point, and explanation of the basis for settlement or other resolution recommendations made by the Tax Assessor and Counsel. The list of the matters pending before the Tax Court of New Jersey for which such recommendation has been made and which may be discussed is:

**CAPTION and TAX COURT DOCKET NO. WHERE KNOWN; OR BY TAX YEAR IF NO DOCKET NUMBER ASSIGNED:**

<b>A)DOCKET #</b>	<b>CAPTION</b>	<b>BLOCK / LOT</b>	<b>TAX YEAR</b>
013901-2012	Crab Trap, Ltd., v. City of Somers Point	2012 / 11 & 11.01 2013 / 4 & 4	2012
009203-2013	“ “ “	“ “ “	2013
006593-2014	“ “ “	“ “ “	2014
007439-2015	“ “ “	“ “ “	2015
003747-2016	“ “ “	“ “ “	2016
002760-2017	“ “ “	“ “ “	2017

Assessments for the properties through the 2018 tax year may also be discussed.

<b>B)DOCKET #</b>	<b>CAPTION</b>	<b>BLOCK / LOT</b>	<b>TAX YEAR</b>
010984-2015	Pier 4, LLC v. City of Somers Point	2012 / 10	2015
011966-2016	“ “ “	“ “	2016
001909-2017	“ “ “	“ “	2017

Assessments for the property for the 2018 tax year may also be discussed.

<b>C)DOCKET #</b>	<b>CAPTION</b>	<b>BLOCK / LOT</b>	<b>TAX YEAR</b>
010984-2015	Alexander Kazmnarck v. City of Somers Point	2018 / 1.01-1.05, 1.08 & 2.02	2015
012531-2016	“ “ “ “	“ “ “ “	2016



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M/S – Meischker/Tapp

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

**CITY OF SOMERS POINT  
RESOLUTION NO. 81 of 2018**

**AUTHORIZING EXECUTIVE SESSION**

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

**WHEREAS**, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on March 22, 2018 during a public meeting to be held commencing at 7:00 P.M, and

**WHEREAS**, there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1** “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

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

**Advice of Counsel and attorney client communication In the Matter of the Shore Medical Center Regarding Taxation Issues**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 20 – 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;



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**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

**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</b>	<b>Unknown at this time</b>	<b>Approval by City Council Action / Hearing / Court Order / Ordinance(s).</b>

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**Consent Agenda:**

None

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**Old Business:**

None

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**New Business:**

Sean Clancy addressed the Governing Body and requested permission for a foot race and temporary road closure of a portion of Bay Avenue for about 45 min. Council President McGuigan discussed the route and number of participants with Mr. Clancy. Approximately 50% of the proceeds benefits the Egg Harbor Township police explorer program. Councilman Dill expressed his concerned about the condition of Launch Avenue. City Council concurred to approve the race.

The Governing Body approved the Social Affair Permit for 4/28/18.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
March 22, 2018**

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**Discussion of Bills:**

Administrator Swain reported a bill list dated 3/20/18 in the amount of \$ 236,820.62 along with a record of payment of \$ 55,302.25 dated 3/16/18.

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**Public Portion**

Public Portion was duly opened for comments.

Barbara Merrifield of 1 Holly Hills, expressed her concern that she was being double billed since 1997 for sewer. Mr. Swain researched the complaint who explained that there is no connection between a single- family home for taxation and sewer bills. Ms. Merrifield agreed to allow the Code Enforcement Officer to inspect her residence. City Council President McGuigan indicated that more research of the issue is needed.

Hearing nothing further from the public, accordingly the public portion was duly closed.

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**Payment of Bills**

M/S – D’Adamo/Tapp

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:**

City Council recessed at 8:18 p.m. prior to going into Executive Session.

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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 9:42 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 4/12/18