

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 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, D'Adamo, Meischker, Toto, Tapp, McGuigan

Also Present: Administrator Swain, City Clerk Samuelsen, Assistant City Administrator, Jason Frost, Attorney Lafferty

Absent: Mayor Glasser, 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.

Resolution No. 82 of 2018

M/S-Dill/Meischker

The resolution was adopted by a unanimous vote of those present. Councilman Meischker mentioned that it's a relatively new organization; however, they are very active. He added that this volunteer organization is a perfect example of what makes Somers Point great. Council President McGuigan offered his appreciation and congratulations.

No. 82 of 2018

Subject: Recognizing and Commending the Efforts of The Somers Point Parents' Club
Introduced by: Councilman Meischker

Whereas, the Somers Point Parents Club was formed on February 2nd, 2018 and is comprised of parents and children that live in Somers Point, NJ; and

Whereas, the Somers Point Parents Club was formed with the intention of connecting Somers Point parents and children who attend public and private schools as well as those who are home schooled; and

Whereas; the Somers Point Parents Club has already exceeded 100 members; and

Whereas; the Somers Point Parents Club organizes activities and public service projects for its members and the local community; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Whereas; on March 25th, 2018 several parents and children from Somers Point Parents Club made 130 Peanut Butter and Jelly sandwich lunches, including snacks and drinks, which were distributed at the Atlantic City Rescue Mission to those less fortunate; and

Now, therefore, be it resolved, by the City Council of Somers Point that it commends and recognizes the following members of the Somers Point Parents Club:

Jennifer Kinch	Thomas Kinch	Joshua Kinch	Joseph Kinch
Christine Garman	Kate Simpson	Todd Simpson	Natalie Simpson
Marley Simpson	Lisa Weiss	Anne Vanderijn	Melanie Wagner
Nicholas Wagner	Matthew Wagner	Isabela Wagner	Kristin Ostwald
Emma Ostwald	Rich Kaczmariski	Mia Kaczmariski	Madelyn Kaczmariski
Ryan Kaczmariski	Collen Ciron	Nolan Ciron	DJ Ciron
Jackie Ciron	Marisa Heib	Finley Heib	Emily Kinch
Kelly Simpson			

for their efforts in supplying and packaging food for those less fortunate at the Atlantic City Rescue Mission and casting a positive light upon the Somers Point community through their act of community service.

Communications:

Councilman Dill received notification from FEMA of a 20% discount on all flood insurance for residents. In addition, if Resolution No. 83 of 2018 is adopted this evening, residents may receive an additional 5% discount. Councilman Dill mentioned that the Steering Committee, Administrator Swain and others worked diligently with FEMA. There will be a press release in the future.

Mayor's Report:

None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Administrator's Report:

Administrator Swain reported that New Jersey submitted a grant application on the City's behalf to FEMA for grants to construct a stormwater pump on Yale Boulevard and Exton Road and to upgrade the existing stormwater pump on Exton Road; however, the application was rejected. Greg Schneider, City Engineer, will amend the application and resubmit it to FEMA. Mr. Swain explained that the three-year cycle for the HUD Community Development Block Grant will begin in 2019, and the City will be automatically renewed. City Administrator Swain announced that a public information center is scheduled on 4/17/18 from 6:00 p.m. – 8:00 p.m. at the Dawes Avenue School in the cafeteria to allow the public to view and discuss the City's plan to widen the bike path. The work is being done through a \$750,000 grant provided by the Federal Highway Fund awarded by the N.J. Department of Transportation to Somers Point.

Council President McGuigan announced the free rabies clinic will be held on 4/21/18.

Solicitor's Report:

Ms. Lafferty reported that Ordinance No. 1 of 2018 will be on the agenda next month.

Committee Reports:

None

Approval of Minutes:

M/S – Dill/Toto

The Regular Minutes of 9/14/2017, 9/28/2017, 10/12/2017, 10/26/17, 11/9/2017, 11/20/2017 and 3/22/2018; Executive Session of 3/22/2018 as to content only. Councilman Meischker recused himself from the minutes of 9/14/17.

Ordinances:

Ordinance 2 of 2018: *Second Reading/Public Hearing/Adoption*

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

M/S – Dill/Toto

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

Administrator Swain reported that currently, the City is \$847,000 below that CAP. This will not increase our appropriations at all.

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)**

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,

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

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.

Ordinance No. 3 of 2018: *Second Reading/Public Hearing/Adoption*

M/S-Meischker/Tapp

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

Councilmen D'Adamo, Tapp, Toto and Council President McGuigan are members of the Historical Society

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

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.

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.

REGULAR MEETING MAYOR AND CITY COUNCIL April 12, 2018

Resolutions:

Public Portion on Resolutions:

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

Resolution No. 84 of 2018

M/S – D’Adamo/Toto

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

Special COAH Counsel James Franklin and City’s Fair Share Planner, Ms. Pellegrini gave a presentation to the Governing Body and public. Mr. Franklin reported on the status of negotiations regarding the Third Round of COAH obligations.

By the way of general background, in 1975 and in 1983 the new Jersey Supreme Court declared that there is an obligation under the New Jersey Constitution for municipalities to provide realistic opportunities for affordable housing, designated as “The Mount Laurel Doctrine” after the municipality which was the subject of the two New Jersey Supreme Court cases, and referred to generically as the “fair share” obligation.

In 1985 the New Jersey Legislature enacted the Fair Housing Act, creating the Council on Affordable Housing (COAH) which was tasked with developing rules, regulations, and methodologies to determine the state-wide need and allocate that among the 6 regions and each municipality within those regions.

COAH did adopt First Round rules for the period 1987-1993 and Second round rules for the period 1993-1999 which were upheld in the courts.

Third Round regulations were to have been adopted in 1999 but due to legal challenges and the ultimate inability of the COAH board to act, in 2015 the New Jersey Supreme Court designated 13 Judges within the state to determine the Third Round obligation through declaratory judgement proceeding as. Judge Nelson Johnson was assigned to hear those matters within Atlantic and cape May Counties.

In order to satisfy the city’s First and Second Round obligations, as a result of settlement agreements arising out of builder remedy suits entered into by the City in 2007 and 2008, the City enacted an Affordable Housing Ordinance codified as Chapter 69 of the City Code and amended chapter 114 of the city’s Development Regulations to include AH-12, and 3 zones along Bay Avenue and Recreational Planned Unit Development Option overlay zone within the Great Bay Country Club property.

To defray the cost of retaining an expert to calculate the Third Round obligation as well as any obligation for the period 1999-2025, the City became a member of a state wide consortium which retained Econsult Solutions. Fair Share Hosing Center and the New Jersey’s Builder’s Association retained Kinsey & Hand Planning and other experts. Judge Johnson appointed retired Judge Steven Perskie as his fairness expert and Reading Associates as his “numbers” expert. The City’s aggregate gap and Third Round obligation calculations ranged between 0 and in excess of 540 units.

REGULAR MEETING MAYOR AND CITY COUNCIL April 12, 2018

Although the purpose of The Mount Laurel Doctrine and the Fair Housing Act was to prevent discrimination, on behalf of the City using available demographics data we have consistently argued that Somers Point is an inclusionary community in which children attend the same schools, that there is an available inventory of affordable housing, that the City has taken action to address its prior round obligations, and that the current economic situation within Atlantic County does not provide sufficient employment opportunities to attract a low moderate income workforce.

Although those arguments are not recognized element to satisfy the Fair Housing Act, those arguments, coupled with the updated Vacant Land Analysis prepared by Ms. Pellegrini and Maser Consulting have allowed us to negotiate a draft settlement agreement with Fair Share Housing Center which will preserve the existing affordable housing zoning including available bonus credits, the limit the City's affirmative obligation to provide for 13 affordable housing units through 2025 primarily through the use of the City's Abandoned Property Ordinance working with third party developers. There is flexibility to use any combination of rental, for sale, and special housing needs.

Although there is an unmet need of 233 units, the City has no affirmatives obligation to use any mechanism to reduce that number. More importantly, the opportunity has been preserved to reduce that number in the event of a final court decision in other litigated proceedings, legislative action, or administrative regulation should COAH ever be reconstituted.

Special Master Judge Perskie has actively participated in the negotiations and will render a report recommending to Judge Johnson approval of the settlement agreement at a Fairness Hearing to be held on June 1 if council adopts the resolution approving the agreement. If approved, the city will prepare an updated Housing Element and Fair Share Plan, amend the Spending Plan, and necessary amendments to Chapter 69 of the City's Affordable Housing ordinance to comply with the Settlement Agreement and changes in the law which were enacted subsequently to the adoption of chapter 69 such as the increase in the percentage contributions to the Affordable Housing Trust Fund and the statutory set aside of 15/20 percent of any future multifamily housing development. An initial Order of Fairness will then be entered by the Court extending immunity from builder remedy suits upon certification to the court that those requirements have been met, a subsequent order will be entered by the Court confirming that the terms of the Settlement Agreement have been satisfied and granting immunity from any builder remedy suits through July 2025 at which time the Fourth Round Affordable Housing obligation rules and regulations are supposed to be implemented.

Ms. Pellegrini referred to the Exhibits which demonstrates the available vacant land analysis undertaken by maser consulting, explained the unmet need, and the need to update the City's Housing Element, Fair Share Plan, and Spending Plan to satisfy the terms of the Settlement Agreement and Fairness Order. Council President McGuigan thanked Mr. Franklin and Ms. Pelligrini for their presentation.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

No. 84 of 2018

**A Resolution Authorizing the Execution and Delivery of a Settlement Agreement between the City of Somers Point and Fair Share Housing Center Subject to Final Approval by Order of the New Jersey Superior Court in
“In the Matter of the Application of the City of Somers Point, a Municipal Corporation of the State of New Jersey”, Docket No. L-1538-15**

Sponsored by: Council President McGuigan, Councilman D’Adamo and Councilman Toto

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the City filed a Declaratory Judgment Complaint in Superior Court, Law Division (IN THE MATTER OF THE APPLICATION OF THE CITY OF SOMERS POINT, a municipal corporation of the State of New Jersey, Docket No. L-1538-15) seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the City simultaneously sought, and ultimately secured, a series of protective orders providing Somers Point immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the trial judge appointed Hon. Steven P. Perskie, J.S.C. (Ret.) and Richard Reading of Reading Associates as his “Special Masters” as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Special Masters, Maser Associates retained by the City to serve as its Affordable Housing and Fair Share Planner, Somers Point Special COAH Counsel and FSHC engaged in good faith negotiations which resulted in an amicable agreement on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as **Exhibit A**; and

WHEREAS, through this process, the City and FSHC agreed upon the City's affordable housing obligations and the compliance techniques necessary for Somers Point to satisfy its "fair share" of the regional need for low- and moderate-income housing; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

WHEREAS, the City and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval via a duly-noticed Mount Laurel "Fairness Hearing;" to be held on June 1, 2018; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region's low- and moderate-income households; and

WHEREAS, in light of the above, and on the recommendation of the City's Special COAH Counsel and the City's Affordable Housing and Fair Share Planner, the City Council finds that it is in the best interests of Somers Point to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below which will ultimately result in approval of the City's Fair Share Plan which, in turn, will maintain the City's immunity from all Mount Laurel lawsuits for the ten-year period through July 2025 as set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of April, 2018, by the Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

1. The City Council hereby authorizes and directs the Mayor to execute the attached Settlement Agreement and to provide a copy of same to the City's Special Mount Laurel Counsel as soon as practicable thereafter; and

2. The City Council hereby directs its Special COAH Counsel to file the fully-executed Settlement Agreement with the Court and directs its Special COAH Counsel and

Affordable Housing and Fair Share Planner to take all actions reasonable, necessary or desirable to secure an Order approving the Settlement Agreement and ultimately to secure judicial approval of the City's Fair Share Plan, subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq. and further subject to entry of an Order of Fairness and Compliance by the Court in Docket No. Docket No. L-1538-15.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Resolution No. 89 of 2018

M/S – Meischker/D’Adamo

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

The owner stated that he is originally from Ireland, and is happy to live in Somers Point and open Kelly’s. Council President McGuigan welcomed him to Somers Point.

No. 89 of 2018

Subject: Person-to-Person Plenary Retail Consumption Liquor License Transfer of License #0121-33-014-007 From RFB Properties 908 LLC to Josie Kelly’s, LLC

Introduced by: Council President McGuigan

WHEREAS, an Application has been filed for a person-to-person transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-014-007 (the “License”); and

WHEREAS, said License is in the name of RFB Properties 908 LLC., and

WHEREAS, the Applicant, Josie Kelly’s, LLC., has submitted an application which is complete in all respects, the Application and transfer fees have been paid, the license has been renewed for the current license term, an Application for Bulk Sale Permit has been filed, and a Tax Clearance Certificate has been received; and

WHEREAS, a Consent to Transfer New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 0121-33-014-007 has been executed by Josie Kelly’s, LLC; and

WHEREAS, Notice of the Pending Application was properly published in *The Press of Atlantic City* on February 1 and February 14, 2018, and Proof of Publication has been filed with the Somers Point City Clerk; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the Police Department of the City of Somers Point has reviewed the qualifications of the License holder and the source of all funds used in the purchase of the license and has delivered a report and recommendation to this Governing Body; and

WHEREAS, the License is currently inactive but is intended to be held for transfer at some future time to licensed premises situated within the City of Somers Point, County of Atlantic, State of New Jersey 08244 which shall be described in a future application which shall be subject to review and approval by this issuing authority;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Somers Point Governing Body does hereby approve, effective April 12, 2018, the transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-014-007 from RFB Properties 908 LLC to Josie Kelly's LLC.

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby direct the Somers Point City Clerk to endorse the License certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to Josie Kelly's, LLC effective April 12, 2018."

Resolution No. 83 of 2018

M/S – Dill/Toto

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

No. 83 of 2018

Subject: Adopting the Somers Point Watershed Management Plan

Introduced by: Councilmen Dill, D'Adamo and Meischker

WHEREAS, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program requirements., and

WHEREAS, by participating in the CRS program City property owners will receive a discount on their flood insurance premiums to reflect the reduced flood risks resulting from community actions; and

WHEREAS, the CRS provides credit for a full range of public information activities that inform people about flooding and ways to address potential flood damage to their property, including map information, outreach projects, real estate disclosure, libraries, websites, and providing technical advice and assistance; and

WHEREAS, the City of Somers Point achieved a Class 6 rating in the Community Rating System in 2017, resulting in a twenty percent discount on flood insurance for property owners starting in May 2018; and

WHEREAS, the City of Somers Point has continued to pursue an even higher discount on flood insurance for its property owners; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

WHEREAS, to this end, the City has developed a Watershed Management Plan that analyzes the combined effects of existing and expected development and redevelopment on drainage throughout the City and also includes a plan of action to address current and expected issues; and

WHEREAS, the City of Somers Point is the first community in Atlantic County and the second community in the State of New Jersey to complete a Watershed Management Plan; and

WHEREAS, the adoption of this Plan is a required activity of the City for its Community Rating System participation.

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

- 1.) The City Council formally adopts the Somers Point Watershed Management Plan.
- 2.) The City Officials are instructed to implement this plan and update it on a regular basis pursuant to the most recent Community Rating System Coordinator's Manual.

Resolution 85 of 2018:

M/S – Dill/Tapp

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

No. 85 of 2018

Authorizing the Somers Point Tax Assessor in Conjunction with Somers Point Tax Counsel to Settle and Compromise Certain Real Property Tax Appeals Pending Before the New Jersey Tax Court

Introduced By: Council President McGuigan

WHEREAS, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals pending before the Atlantic County Board of Taxation or the New Jersey Tax Court; and

WHEREAS, for reasons of efficiency this Governing Body has determined that the Tax Assessor should not be required to present each such settlement to this body for approval; and

WHEREAS, this Governing Body has directed that whenever a settlement of a pending matter would result in an assessed tax revenue reduction in excess of Ten Thousand Dollars

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

(\$10,000.00) for any such property within a single tax year no such settlement shall be entered into without a presentation to the City Council explain the proposed settlement, the reason for the settlement recommendation, and the impact upon the current and prior tax years; and

WHEREAS, Special Tax Counsel and the Somers Point Tax Assessor have identified the following series of pending tax appeals and have discussed the implications and recommendations during an Executive Session held on March 22, 2018 relative to the following pending Tax Appeals which exceed the approval threshold:

1) DOCKET #	CAPTION	BLOCK / LOT	TAX YEAR
013901-2012	Crab Trap, Ltd., v. City of Somers Point	2012 / 11 & 11.01 2013 / 4 & 5	2012
009203-2013	“ “ “	“ “ “	2013
006593-2014	“ “ “	“ “ “	2014
007439-2015	“ “ “	“ “ “	2015
003747-2016	“ “ “	“ “ “	2016
002760-2017	“ “ “	“ “ “	2017;

And

WHEREAS, assessments for 2018, 2019, and 2018 were discussed:

And,

WHEREAS, after giving due and careful consideration to the recommendations made by Special Tax Counsel and the Somers Point Tax Assessor

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matter pending before the Tax Court of the State of New Jersey in the following manner:

Through a stipulation for the assessed value of the subject property in the amounts shown for the tax years designated below:

Block / Lot #:	Tax Year:	Stipulated Assessed Value:
2012 / 11 & 11.01		
2013 / 4 & 5	2012	\$1,943,100.00
‘ “ “	2013	\$1,943,100.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

“	“	“	2014	\$3,990,800.00
“	“	“	2015	\$3,990,800.00
“	“	“	2016	\$3,890,800.00
“	“	“	2017	\$3,840,800.00

The Assessment on Land and Improvements shall remain at \$3,840,800.00 during 2018 and the Freeze Act shall apply.

Interest and penalties shall be waived, the reduction shall be credited against future taxes, and all other taxes and other charges which may be due and owing shall be paid in full.

2) DOCKET #	CAPTION	BLOCK / LOT	TAX YEAR
011966-2016	Pier 4, LLC v. City of Somers Point	2012 / 10	2016
001909-2017	“ “ “	“ “	2017

And

WHEREAS, assessments for 2018 were discussed:

And,

WHEREAS, after giving due and careful consideration to the recommendations made by Special Tax Counsel and the Somers Point Tax Assessor

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matter pending before the Tax Court of the State of New Jersey in the following manner:

Block 2012, Lot 10	2016	\$3,296,000.00
“ “ “	2017	\$3,296,000.00

The Assessment on Land and Improvements shall remain at \$3,296,000.00 during 2018 and the Freeze Act shall apply.

Interest and penalties shall be waived, the reduction shall be credited against future taxes, and all other taxes and other charges which may be due and owing shall be paid in full.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

3) DOCKET #	CAPTION	BLOCK / LOT	TAX YEAR
012085-2015	Morris Properties v. City of Somers Point	2133 / 1 (Units 4B & 4C /Chestnut Street)	2015
011888-2016	“ “ “	“ “ “ “	2016

And

WHEREAS, after giving due and careful consideration to the recommendations made by Special Tax Counsel and the Somers Point Tax Assessor

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matter pending before the Tax Court of the State of New Jersey in the following manner:

Block 2133, Lot 1 Unit C002	2015	\$605,000.00
“ “ “	2016	\$605,000.00

Block 2133, Lot 1 Unit C003	2015	\$105,000.00
“ “ “	2016	\$105,000.00

And

WHEREAS, the subject properties were sold by Plaintiff in May of 2016 and any taxes due and owing to Plaintiff as of date of sale will be refunded and from the date of sale any overpayment shall be credited against future taxes.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Tax Counsel is hereby authorized to file Stipulations of Settlement to incorporate the terms hereinabove set forth.

Resolution No. 86 of 2018

M/S – Dill/Toto

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

No. 86 of 2018

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Pending Litigation

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 April 12, 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.”

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:

C)DOCKET #	CAPTION	BLOCK / LOT	TAX
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**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

			Year
010984-2015	Alexander Kazmarck v. City of Somers Point	2018 / 1.01-1.05, 1.08 & 2.02	2015
012531-2016	“ “ “ “	“ “ “ “	2016
012247-2017	“ “ “ “	“ “ “ “	2017

Assessments for the property for the 2018 tax year may also be discussed. Also issues related to the reverter clause affecting said property may also be discussed.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Approval by Resolution or Order of the New Jersey Tax Court following a trial of the matter(s).

Resolution No. 87 of 2018
M/S – Meischker/Toto

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

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

No. 87 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Tactics and Techniques Utilized in Protecting the Safety of the Public

Introduced By: Councilman Meischker

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

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

1 (6) **Tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair that protection, or investigations of violations or possible violations of the law.**

For the Chief of Police to discuss with Council issues related to school security.

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

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

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 6 Above	Cannot be determined at this time.	City Council action

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

Resolution No. 88 of 2018

M/S – Toto/Dill

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

No. 88 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Potential Contract Negotiations

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

REGULAR MEETING MAYOR AND CITY COUNCIL April 12, 2018

exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on April 12, 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 specific topic to be discussed is the potential sale of City owned property known as Block 1715 Lot 5 and the potential contractual terms related thereto.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Approval by Resolution

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Consent Agenda:

None

Old Business:

Council President McGuigan provided an amended zoning matrix and requested City Council to review it for future consideration.

New Business:

The Governing Body approved the request letter from Geoffrey Hieb, Chair of Bayfest, requesting the closure of Bay Avenue for Bayfest, which was reviewed and approved by Police Chief Boyd.

Discussion of Bills:

Administrator Swain reported a bill list dated 4/11/18 in the amount of \$ 2,401,825.25 along with a record of payment of \$ \$ 1,046,025.96 dated 4/2/18.

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 explained that is no connection between a single-family home for taxation and sewer bills. Mr. Swain explained that the City is not authorized to refund fees past this year.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Bill Reinert representing Lisa Bender, Chair of Green Team/Environmental Commission, addressed City Council. Currently, Somers Point is a sustainable community at a bronze level and seeking silver level. They are seeking permission to get a web site. Mr. Swain and City Council thoroughly discussed the request. City Administrator Swain will research the costs and details and report back to Governing Body. Council President McGuigan thanked him and everyone on Green Team for their diligent efforts.

Mr. Ed O'Donnell expressed his concern that the news media is not in touch with the problems of today.

Patti Cianci expressed her concern regarding the proposed budget. Administrator Wes Swain stated that the municipal budget increase is 4.36 cents. Council President McGuigan explained that the Budget Committee, Administrator Swain and the Governing Body are working all year to keep the budget tight and continue to discuss and research ways to save money.

Dave Creen, resident of 17 George Avenue, expressed his concern regarding property issues that have fallen in disrepair near his home. Mr. Swain explained that banks trade properties back and forth, and it makes it difficult to determine which banks actually own the properties. Mr. Swain added that the house is due on the list to be demolished. Mr. Creen expressed his concern regarding questionable activity in a parking lot. Council President McGuigan recommended calling the Police Department.

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

Payment of Bills

M/S – Dill/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.

Recess:

City Council recessed at 8:26 p.m. prior to going into Executive Session.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 12, 2018**

Adjournment

There being no further business to come before Council, the meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 4/26/2018