

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 26, 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, Gerety, Toto, Tapp, McGuigan

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

Absent:

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.

Communications:

None

Mayor's Report:

Mayor Glasser announced that Bayfest is this Saturday from 10:00 a.m.-5:00 p.m. with a ribbon cutting to include the Philadelphia Eagles Brent Celek and Jake Elliot. On May 7, at 6:45 p.m. the first pitch for Babe Ruth is scheduled. The Economic Development Advisory Commission is holding a cleanup this Sunday starting at 10:00 a.m. Mayor Glasser commended Councilman and Harbor Master Meischker along with the Patcong Creek Foundation for the clean-up of Steelmans Bay this past weekend. He thanked everyone for volunteering and appreciates everyone's hard work.

Administrator's Report:

Administrator Swain explained the procedures and regulations of the audit. It is a requirement that the audit be prepared within the first 6 months of the year. The audit of 2017 didn't find any unauthorized transactions and no negative findings.

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Solicitor's Report:

No report

Committee Reports:

Councilman D'Adamo reported that the library lease is being reviewed.

Approval of Minutes:

M/S – Toto/Dill

The Regular Minutes of 4/12/2018 as amended, Executive Session of 4/12/2018 as to content only. Councilman Gerety abstained from voting.

Ordinances:

Ordinance 1 of 2018: *Second Reading/Public Hearing/Adoption*

M/S – Gerety/Dill

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

No. 1 of 2018

**Ordinance Amending Ordinance No. 1 of 1985, Also Known As
Chapter 114- Development Regulations, Article XXV-
Guaranties; Improvement Costs, §114-185, §114-186 and §114-
187, and Repealing All Ordinances Heretofore Adopted The
Provisions Of Which Are Inconsistent Herewith**

Whereas, the City of Somers Point adopted Chapter 114- Development Regulations, Article XXV- Guaranties; Improvement Costs, which provided for, *inter alia*, performance guaranties, inspections and tests; and

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Whereas, in the judgment of the City Council for the City of Somers Point, it is in the public interest for the Guaranties; Improvement Costs article to be amended to conform with the existing New Jersey State law as amended on January 16, 2018.

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

Section 1: §114-185, Performance guaranties, is hereby amended to read as follows:

§114-185, Performance and other guaranties

A. Performance guaranties

- (1) No final application for development shall be approved by the Board until the satisfactory completion and performance of those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, which improvements shall be certified to the Board by the City Engineer and unless the owner shall have filed with the municipality a performance guaranty assuring the installation of those improvements that are to be dedicated to a public entity on or before an agreed date and as hereinafter provided.
- (2) Before the filing of final subdivision plats or recording of minor subdivision deeds or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65) the owner shall have filed with the City a performance guaranty assuring the installation of those improvements that are to be dedicated to a public entity on or before an agreed date and as hereinafter provided.
- (3) A developer or owner shall file with the City a performance guaranty for privately owned perimeter buffer landscaping as required by ordinance or imposed as a condition of approval within an approved phase or section of a development. At the developer or owner's option, a separate performance guaranty may be posted for the privately owned perimeter buffer landscaping.

B. [There are no changes to existing § 114-185B]

C. A performance guaranty estimate shall be prepared by the applicant, setting forth all requirements for improvements to be dedicated to a public entity and any privately owned perimeter buffer landscaping and their estimated cost. Said estimate shall be reviewed by the

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City Engineer, who shall either approve or adjust this performance guaranty. The performance guaranty shall be calculated pursuant to the requirements of Section 41 of P.L.1975, c.291 (C.40:55D-53a(1)(a)).

D. Other Guaranties

(1) Temporary Certificate of Occupancy Guaranty

(a) In the event a developer or owner seeks a temporary certificate of occupancy for a development, unit, lot, building, or phase of a development, the developer or owner shall furnish a separate guaranty to the City in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development which are not covered by an existing performance guaranty. The scope of the Temporary Certificate of Occupancy Guaranty shall be determined by the City Engineer.

(2) Safety and Stabilization Guaranty

(a) A developer or owner shall furnish to the City a Safety and Stabilization Guaranty for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition under the circumstances as set forth within N.J.S.A. 40:55D-53(d).

(b) The amount of the Safety and Stabilization is to be calculated pursuant to the requirements of N.J.S.A. 40:55D-53(d) and at the developer's option may be furnished either as a separate guaranty or as a line item of the performance guaranty.

E. Approval by City Attorney.

(1) The applicant shall present two copies of all performance guaranties, temporary certificate of occupancy guaranties, and safety and stabilization guaranties in amounts equal to 100% of the approved guaranty estimate for approval as to form and execution by the City Attorney.

(2) [There are no changes to existing § 114-185E(2)]

Section 2: §114-186, Form of performance guaranty, is hereby amended to read as follows:

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§114-186, Form of guaranty

The performance guaranty, temporary certificate of occupancy guaranty and safety and stabilization guaranty shall be made payable and deposited to the City of Somers Point and shall be in the form of cash or a certified check or an unlimited letter of credit from a bank or a performance bond in which the owner shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey. The city shall issue its receipt for such deposits and shall cause the same to be deposited in a bank named by the municipality in the name of the city to be retained as a security for completion of all required work or, in the event of default on the part of the owner, to be used by the city to pay the cost and expense of obtaining completion of all requirements. Every performance guaranty shall contain a clause to the effect that a determination by the City Engineer that the principal has defaulted in the performance of his obligation shall be binding and conclusive.

Section 3: §114-187, Inspections and tests, is hereby amended to read as follows:

- A. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the City Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the owner or developer, and he shall deposit with the City Treasurer, for placement in escrow, a sum not to exceed, except for extraordinary circumstances, the greater of \$500 or equal to 5% of the amount of the cost of bonded improvements that are subject to a performance guaranty, and not to exceed 5% of the cost of private site improvements that are not subject to a performance guaranty. For subdivisions, the owner or developer shall deposit an amount not to exceed 5% of the amount of the cost of all improvements to be applied to inspection costs. If inspection costs exceed such fund, the owner or developer shall deposit with the City Treasurer additional sums upon written notice signed by the City Engineer which informs the owner or developer of the need for additional funds, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections. The City Treasurer shall return any balance of the inspection deposit to the owner upon expiration of the maintenance bond, together with the paid invoice for all expenses charged, except that the inspection fee shall in no case be less than \$100.
- B. [There are no changes to existing § 114-187B]
- C. [There are no changes to existing § 114-187C]
- D. [There are no changes to existing § 114-187D]
- E. [There are no changes to existing § 114-187E]
- F. [There are no changes to existing § 114-187F]

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G. Release of guaranties.

- (1) Release of performance guaranty. The governing body shall, by resolution, release or declare in default each performance guaranty. Prior to the governing body releasing a

- (2) performance guaranty, the Construction Official must have reviewed the request for release and officially recommended such release. Such performance guaranty shall remain in effect until released by the governing body. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed and have been inspected, provided that 30% of the amount of the total performance guaranty and Safety and Stabilization Guaranty posted shall be retained to ensure completion and acceptability of improvements. Any amount of the performance guaranty attributable to bonded improvements for which a Temporary Certificate of Occupancy guaranty has been posted shall be released from the performance guaranty even if such release would reduce the amount held by the municipality below 30%. No reduction shall be approved until the City Engineer shall have certified the estimated cost of completing any remaining required improvements. If any improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the city for reasonable cost on the improvements not installed and, upon receipt of the proceeds thereof, the city shall install such improvements. The city shall also have all other remedies as may be lawfully available.

- (2) Release of Temporary Certificate of Occupancy guaranty. The City shall not hold more than one guaranty or bond of any type with respect to the same line item. Upon the posting of a Temporary Certificate of Occupancy Guaranty, all sums remaining under a performance guaranty which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. A Temporary Certificate of Occupancy Guaranty shall be released by the City Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building or phase as to which the temporary certificate of occupancy relates.

- (3) Release of Safety and Stabilization guaranty. The City shall release a safety and stabilization guaranty to a developer upon the developer's furnishing of a performance guaranty which includes a line item for safety and stabilization in the amount required

within N.J.S.A. 40:55D-53(d), or upon the City Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

H. Conditions for acceptance of improvements.

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[There are no changes to existing § 114-187H (first paragraph)]

(1) [There are no changes to existing § 114-187H(1)]

(3) [There are no changes to existing § 114-187H(2)]

(4) The owner shall have filed with the governing body a maintenance guaranty in an amount not to exceed 15% of the cost of installing the improvements which are being released. Upon the inspection and issuance of final approval of certain private site improvements by the City Engineer, the developer shall post a maintenance guaranty in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system which shall be calculated pursuant to the Municipal Land Use Law. The maintenance guaranty shall run for a period of 2 years and shall automatically expire at the end of the established term. The procedures and requirements governing such maintenance guaranty shall be identical with the procedures and requirements for a performance guaranty set forth in this chapter. The requirements for a maintenance guaranty may be waived by the governing body only if the City Engineer has certified that the improvements have been in continuous use for not less than two years from the date the City Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner.

Section 4: Severability and Effectiveness Clause.

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

Section 5: Effective Date.

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

Resolutions:

Public Portion on Resolutions:

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

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Resolution No. 90 of 2018

M/S – Gerety/Meischker

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

No. 90 of 2018

Subject: Read Budget by Title

WHEREAS, N.J.S 40A:4-8 provides that the budget be read by title only at the time of the public hearing if the resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the City Clerk to persons requiring them; and

WHEREAS these two conditions have been met;

NOW THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Public Hearing Regarding 2018 Budget

Councilman Dill motioned, seconded by Councilman Toto to Open to the Public for Resolution No. 90 regarding the 2018 Budget

Mr. Bill Collins of 550 Bay Avenue questioned the status if there were a legislative Bill relative to taxing the amount of beds in a hospital. Council President McGuigan stated that there is not a Bill pending.

Hearing nothing further, the public hearing was duly closed. Clerk Samuelson read the 2018 Budget by title only.

Adoption of the 2018 Budget

On the motion of Councilman Dill, seconded of Councilman Gerety and carried to adopt the 2018 Budget by unanimous roll call vote.

Administrator Swain reported that the budget figures included the Sewer/Utility Budget.

Resolution for 48-Hour Waiver

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On the motion of Councilman Dill, seconded of Councilman Gerety and carried to invoke the 48- hour waiver to add Resolution No. 93-2018 for Executive Session regarding discussion of matters of litigation.

Open to the Public for Resolutions

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

Resolution 91 of 2018:

M/S – Gerety/Tapp

The resolution was adopted by a unanimous roll call vote of those present. Councilman Toto abstained from voting.

No. 91 of 2018

Authorizing a Non - Exclusive Licensing Agreement Between the City of Somers Point and Lawson’s Pride of Somers Point for the Use of the Official Somers Point Logo

Sponsored by: Council President McGuigan

Whereas, Lawson’s Pride of Somers Point is an independent non - profit tax exempt organization, formed here in Somers Point, staffed by volunteers who live in our City and which was formed for the express purpose of raising funds and collecting donations to provide financial support for the crew of the US Coast Guard Cutter Lawrence Lawson and their families in time of need or in times of crisis and which the City has adopted as the Cutter’s unofficial Home Port; and

Whereas, a request has been made by Lawson’s Pride of Somers Point through the Somers Point Economic Development Commission to authorize Lawson’s Pride of Somers Point to use the official Somers Point Logo; and

Whereas, the request has been reviewed and is deemed by this governing body to be in the best interest of the City in furthering the common branding which the use of the Family of Logos is intended to promote recognition of the City of Somers Point and the many cultural, recreational, social and educational opportunities which are offered within our City for which Somers Point has become recognized;

Now, therefore, it is hereby RESOLVED that Lawson’s Pride of Somers Point is hereby granted a non-exclusive license to have use of the official Somers Point Logo; and

It is further RESOLVED that the form of agreement between the City of Somers Point and Lawson’s Pride of Somers Point attached hereto is hereby approved, ratified, and affirmed; and

It is further RESOLVED that a copy of the executed agreement shall be filed in the Office of the City Clerk, with a copy to the City Solicitor to be maintained on file; and

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It is further RESOLVED that this privilege may be revoked at any time by action of this governing body in the event of any breach of the agreement or misuse of the official logo.

Resolution No. 92 of 2018

M/S – Gerety/Tapp

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

No. 92 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Litigation or Contract Negotiation

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 terms and conditions of a contractual relationship and agreement between the City and Bayview Court Urban Renewal LLC which is required to be discussed in Executive Session to be held on April 26, 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 and analysis from the City Solicitor regarding issues that have arisen related to a contractual agreement known as the Bayview Court Redevelopment Agreement and amendments 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;

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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

Resolution No. 93 of 2018

M/S – Gerety/Dill

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

No. 93 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving 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 pending litigation in the matter of County of Atlantic, et. al. vs. State of New Jersey, et al., Docket No. ATL-L-1254-17, in which the City of Somers Point is also a named Plaintiff, is

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required to be discussed in Executive Session to be held on April 26, 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 and analysis from the City Solicitor regarding potential settlement of the pending litigation referenced above.

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 and City Council may take formal action thereon;

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

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Consent Agenda:

None

Old Business:

Councilman Gerety recommended Attorney Lafferty research possible legislative activity regarding a Bill regulating fees charged by municipalities to hospitals.

New Business:

None

Discussion of Bills:

Administrator Swain reported a bill list dated 4/24/18 in the amount of \$ 158,087.03 along with a record of payment of \$ 750,00 dated 4/24/18.

Public Portion

Public Portion was duly opened for comments.

Mr. Creen, of 17 George Street, expressed his appreciation to Mayor and City Council for their quick response. Administrator Swain and the Governing Body discussed the property regarding demolition and tax liens. Additionally, he expressed his concern regarding names of businesses.

Mayor Glasser explained the status of the court matter regarding Gingers By the Bay, which is now in Appellate Court based on a decision from the Planning Board.

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Mr. Collins discussed the house of the property owner of Tony Marts.

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

Payment of Bills

M/S – Tapp/Dill

The bill list was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

Recess:

City Council recessed at 7:35 p.m. prior to going into Executive Session.

Resolution for 48-Hour Waiver

On the motion of Councilman Dill, seconded of Councilman Gerety and carried to invoke the 48- hour waiver to add Resolution No. 94-2018 for consideration of a proposed settlement in the matter of County of Atlantic, et al. v. State of New Jersey known as the Casino Property Tax Stabilization Act.

Resolution No. 94-18

M/S – Dill/Toto

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

Attorney Lafferty explained it was an emergent matter regarding the Casino Property Tax Stabilization Act (aka Casino PILOT). Somers Point along with other municipalities joined in a lawsuit with Atlantic County. The issue is the percentage of taxes under the PILOT that is due to the County. Former Governor Christie promised a percentage; however, the legislation didn't state it, and Atlantic City did not agree to what the parties understood that the percentage should be; therefore, there was a challenge. The Judge recommended a settlement. Currently, the County and the State agreed to a tentative settlement. Attorney Lafferty reported that with this proposed settlement, the County will realize revenue of approximately \$30 million over the next ten years, which is approximately 12.4%.

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No. 94 of 2018

**Subject: A Resolution Approving of the Proposed Settlement of the Matter
entitled County of Atlantic, et al. v. State of New Jersey,
Docket No. ATL-L-1254-17**

Introduced By: Council President McGuigan

Whereas, the State of New Jersey enacted legislation known as the Casino Property Tax Stabilization Act, *N.J.S.A. 52:27BBBB-18*, (also known as the “Casino PILOT”) which took effect on May 27, 2016; and

Whereas, the County of Atlantic County, and its constituent municipalities including the City of Somers Point, believed that this legislation was both unconstitutional and provided for a potentially unfair allocation of payments under the Casino PILOT as between the City of Atlantic City and the County of Atlantic thereby causing an undue burden upon the taxpayers of the City of Somers Point and Atlantic County; and

Whereas, in June of 2017 the County of Atlantic, City of Somers Point and several other municipalities instituted suit against the State of New Jersey regarding the Casino PILOT for the reasons set forth above, as well as other reasons, by way of Complaint filed under Docket No. ATL-L-1254-17; and

Whereas, the County of Atlantic has taken the lead role in the conducting of said litigation on its behalf as well as on behalf of the municipalities who had joined in said litigation, including the City of Somers Point; and

Whereas, the litigation has been actively ongoing since its inception and has involved Cross-Motions for Summary Judgment that were extensive in nature before the Honorable Julio L. Mendez, A.J.S.C. and that Judge Mendez has repeatedly encouraged the parties to reach an amicable settlement; and

Whereas, in conjunction with the good faith efforts of the offices of Governor Philip D. Murphy as well as the persistent efforts of Atlantic County Executive Dennis Levinson as well as the County of Atlantic as a whole a tentative settlement of said litigation, as outlined within correspondence from County Executive Levinson dated April 24, 2018, has been reached between the State of New Jersey and the County of Atlantic; and

Whereas, the settlement has been approved by Governor’s Counsel and consented to by the Atlantic County Executive and the County of Atlantic has now heartily recommended to the

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City that the settlement be approved and accepted by the City of Somers Point and all of the municipalities who have joined in the aforesaid litigation; and

Whereas, the City Council believes that the tentative settlement that has been reached is fair and reasonable in light of the risks involve as well as the potential expenses that would be incurred and that, for these reasons together with the recommendation of Atlantic County, City Council believes that this settlement is in the best interests of the City and its citizens.

Now, Therefore, Be it Resolved that the City Council of Somers Point does hereby approve and consent to the proposed settlement by the County of Atlantic in the matter pending under Docket No. ATL-L-1254-17 under the terms as set forth within the correspondence dated April 24, 2018 from Dennis Levinson, County Executive; and

Be It Further Resolved that County of Atlantic is hereby authorized to undertake any and all of the necessary steps so as to effectuate the settlement authorized above; and

Be It Further Resolved that a copy of this Resolution shall forthwith be forwarded to Dennis Levinson, County Executive of Atlantic County.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 5/10/18