

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 10, 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, Toto, Meischker, D’Adamo, Tapp, McGuigan

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

Absent: None

Open Public Meetings Act:

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

Communications:

None

Mayors Report:

Letter of support from Senator Brown requesting the N.J. Department of Transportation to schedule a meeting with Somers Point regarding ongoing construction on Rt. 9 with no access for pedestrians and cyclists. Mayor Glasser also received a letter from Senator Booker regarding the Opportunity Zone that he passed on to Councilman Dill. The Mayor announced that the City received a grant of \$200,000 from the N.J. Department of Transportation for the safe streets transit program. A law enforcement run is scheduled on 5/19/18 at 10:00 a.m. starting a JFK Park. The Mayor proudly announced that the AmVets state convention will be held at Pier 4.

City Administrators Report:

None

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Solicitors Comments:

None

Committee Reports:

New Jersey American Water Company will be flushing their lines between 5/28/18 and 6/15/18; therefore, if there is any discoloration, please let the water run.

Approval of Minutes:

M/S – Gerety/Toto

The Regular Minutes of 4/26/2018, Executive Session of 4/26/2018 as to content only.

Ordinances:

Ordinance 4 of 2018: *Introduction/First reading*

M/S – Dill/Toto

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

Councilman Dill expressed his appreciation to the Governing Body for their support and continuance of the road program that is approximately in its ninth year. Administrator Swain explained that both ordinances are in accordance with 2018 Budget and that Ordinance No. 5 doesn't require a down payment because the Sewer Utility is self-liquidating.

NO. 4 of 2018

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$2,137,500 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,250,000 including the sum of \$112,500 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,137,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Projects

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including turnout gear, fire hose and nozzles, and all attachments and appurtenances applicable thereto.	\$26,000	\$24,700	5 years

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b.) Acquisition by purchase of a trash truck and including all attachments and appurtenances applicable thereto.	\$202,000	\$191,900	5 years
c.) Acquisition by purchase of (2) sport utility vehicles for Police Department public safety use together with all appurtenances and attachments necessary therefore and incidental thereto.	\$60,000	\$57,000	5 years
d.) Acquisition by purchase of a sport utility vehicle for Fire Department public safety use together with all appurtenances and attachments necessary therefore and incidental thereto.	\$44,000	\$41,800	5 years
e.) Improvements to municipal facilities including paving of the Historical Museum parking lot, together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.	\$20,000	\$19,000	15 years
f.) Construction of Marina on the bay at Higbee Avenue, together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition			

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costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration. \$650,000 \$617,500 40 years

g.) Construction of an embankment on Mays Landing Road, including all required dredging of back bay area, together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration. \$220,000 \$209,000 15 years

h.) Acquisition by purchase of computer tablets for the City Clerk offices and including all attachments and appurtenances applicable thereto. \$6,000 \$5,700 5 years

i.) Improvements to various recreational facilities in the City including: Fehrle Field infield resurfacing and wells; Kern Field snack stand renovations; Playground shade structures; Senior Center workout stations; together with all materials and work necessary therefore and incidental thereto. \$56,500 \$53,675 15 years

j.) Acquisition by purchase of Police Department public safety equipment including license plate readers and cameras, and all

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attachments and appurtenances applicable thereto.	\$25,000	\$23,750	7 years
k.) Acquisition by purchase of Construction Department code violation computer system, and all attachments and appurtenances applicable thereto.	\$15,000	\$14,250	7 years
l.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$925,500	\$879,225	10 years
TOTAL	<u>\$2,250,000</u>	<u>\$2,137,500</u>	<u>18.52 Years</u>

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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 18.52 years.

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- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,137,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$337,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. Full Faith and Credit

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10. Tax Covenants

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The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

SECTION 11. Ratification of Prior Acts

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

SECTION 12. Inconsistencies

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

SECTION 13. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

Ordinance 5 of 2018: *Introduction/First reading*

M/S – Dill/Toto

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

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ORDINANCE NO. 5 OF 2018

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$810,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$810,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Appropriation for Project-Down Payment

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$810,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$810,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Project

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

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Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	<u>\$810,000</u>	<u>\$810,000</u>	<u>40 years</u>
TOTAL	<u>\$810,000</u>	<u>\$810,000</u>	<u>40 Years</u>

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any capacities described in this section.

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SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$810,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$121,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

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SECTION 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 11. Inconsistencies

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

SECTION 12. Effective Date

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond 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. 95 of 2018

M/S-Dill/Toto

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

Councilman Dill explained this area is the most major flooding situation in Somers Point and this project will address the residents' concerns.

No. 95 of 2018

Subject: Awarding Bid for the Replacement of Decatur Avenue Bulkhead
Introduced by: Councilman Dill

WHEREAS, on May 4, 2017 the City of Somers Point received bids for the replacement of the Decatur Avenue Bulkhead; and

WHEREAS, Compass Construction, Inc. of New Egypt, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Compass Construction, Inc. of New Egypt, New Jersey in the amount of \$93,590.00.

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

- 1.) The Contract for the replacement of the Decatur Avenue Bulkhead is hereby awarded to Compass Construction, Inc. of New Egypt, New Jersey in the amount of \$93,590.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Compass Construction, Inc. signing on behalf of the City.

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Resolution No. 96 of 2018

M/S-Gerety/Toto

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

No. 96 of 2018

Subject: Awarding Bid for the 2017 Road Program – Phase II
Introduced by: Councilman Dill

WHEREAS, on May 4, 2017 the City of Somers Point received bids for the 2017 Road Program – Phase II; and

WHEREAS, Arawak Paving Co., Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$588,000.00.

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

- 1.) The Contract for the 2017 Road Program – Phase II is hereby awarded to Arawak Paving Co, Inc. of Hammonton, New Jersey in the amount of \$588,000.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Resolution No. 97 of 2018

M/S-Gerety/Toto

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

No. 97 of 2018

Subject: Awarding Bid for the 2017 FY State Aid – 10 Street Reconstruction
Introduced by: Councilman Dill

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WHEREAS, on May 4, 2017 the City of Somers Point received bids for the FY 2017 State Aid Program – 10th Street Reconstruction, a project that is funded in part by a FY 2017 State Aid Program Grant; and

WHEREAS, Arawak Paving Co., Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$245,900.00.

WHEREAS, the NJDOT Local Aid Office must also concur with this resolution awarding a contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$245,900.00.

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

- 1.) The Contract for the FY 2017 State Aid Program – 10th Street Reconstruction is hereby awarded to Arawak Paving Co, Inc. of Hammonton, New Jersey in the amount of \$245,900.00, subject to approval from the NJDOT Local Aid Office.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Resolution No. 98 of 2018

M/S-D’Adamo/Dill

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

No. 98 of 2018

Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website

Introduced By: Council President McGuigan

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WHEREAS, the City of Somers Point has determined that surplus items including but not limited to, Miscellaneous Office Equipment, Miscellaneous Recreation Equipment, Public Works Vehicles, Public Works Equipment and Miscellaneous Computer Equipment are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

NOW, THEREFORE, BE IT RESOLVED by the City of Somers Point's Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: www.govdeals.com

Length of Auction: 11 Days.

Start Date: Monday May 14th, 2018 (see schedule A)

End Date: Friday May 25th, 2018 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is".

Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned

Schedule A

1. Auction 1: Miscellaneous Office Equipment (Tax Office)

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 9:00AM

2. Auction 2: Miscellaneous Computer Equipment (Tax Office)

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 9:30AM

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3. **Auction 3:** Miscellaneous Recreation Equipment (Public Works)

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 10:00AM

4. **Auction 3:** Miscellaneous Recreation Equipment (Public Works)

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 10:30AM

5. **Auction 3:** 1992 Ford F150 VIN / 1FTDF15Y1NNB12529

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 11:00AM

6. **Auction 6:** 1991 Ford F800 VIN / 1FDYK84A3MVA09813

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 11:30AM

7. **Auction 7:** 1988 Ford F700 VIN / 1FDNK74JVA21398

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 12:00PM

8. **Auction 8:** 1989 Ford F700 VIN / 1FDAK74P5KVA03087

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 12:30PM

9. **Auction 9:** 1992 Ford F700 VIN / 1FDXK74P1NVA36598

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 1:00PM

10. **Auction 10:** 1991 Ford F800 VIN / 1FDYK 4PZMA36358

Bid Start: Monday May 14th, 2018 : 9:00AM

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Bid Stop: Friday May 25th, 2018 : 1:30PM

11. Auction 11: Power Washer / United Rental

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 2:00PM

12. Auction 12: 710 Leaf Loader

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 2:30PM

13. Auction 13: 710 Leaf Loader

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 3:00PM

14. Auction 14: 710 Leaf Loader

Bid Start: Monday May 14th, 2018 : 9:00AM

Bid Stop: Friday May 25th, 2018 : 3:30PM

Resolution No. 99 of 2018

M/S- Dill/Tapp

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

Councilman Dill thanked the City Clerk’s Office for all their efforts. Council President McGuigan expressed his appreciation for City Clerk’s office and concluded with a round of applause.

99 of 2018

Subject: Municipal Clerks Week
Sponsored by: Council President McGuigan

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

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Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, the Mayor and City Council of the City of Somers Point, New Jersey, do recognize the week of May 6 through May 12, 2018, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk's Office and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Resolution No. 100

M/S-Gerety/Dill

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

No. 100 of 2018

Subject: Authorizing Advertising for Bids for the Reconstruction of Meyran from Bethel Road to Bay Avenue

Sponsored by: Councilman Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Meyran Avenue from Bethel Road to Shore Road; and

WHEREAS, the city has received a \$88,830.00 grant from the Atlantic County Improvement Authority to complete this project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the reconstruction of Meyran Avenue from Bethel Road to Bay Avenue; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City

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Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 101 of 2018

M/S-Toto/Dill

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

Subject: Authorizing Advertising for Bids for the 2018 Road Program

Sponsored by: Councilman Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Ocean Avenue from Shore Road to Bay Avenue, Franklin Drive from Groveland Avenue to Chapman Boulevard, Hamilton Drive from Groveland Avenue to Chapman Boulevard, Osborne Road from Massachusetts Avenue to Groveland Avenue, Montgomery Avenue from Doran Avenue to Meyran Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2018 Road Program; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 102 of 2018

M/S-Tapp/D'Adamo

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

No 102 of 2018

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

Introduced by: Council President McGuigan

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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 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 May 10, 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. Also the potential sale of an easement upon Block 1716 Lot 11 and the 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

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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 Ordinance

Resolution No. 103 of 2018

M/S-D'Adamo/Meischker

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

No. 103 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 exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on May 10, 2018 during a public meeting to be held commencing at 7:00 P.M, and

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

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

Issues related to the currently existing Tax Lien related to Block 1714 Lot 5.01 and potential related agreements.

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 Ordinance

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Resolution No. 104 of 2018

M/S-Gerety/Dill

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

No. 104 of 2018

**Subject: Change Order 2 – Contract No. 37 – Somers Point Bike Path
Extension Phase II - Federal Project # STP-C00S (839) Construction -
NJDOT Job # 5521307**

Introduced by: Councilman Dill

WHEREAS, in accordance with Resolution 201 of 2017, Kline Construction Co., Inc. of Galloway, New Jersey was awarded the contract for the Somers Point Bike Path Extension Phase II (Federal Project # STP-C00S (839) Construction - NJDOT Job # 5521307) for the sum of \$171,000.00; and

WHEREAS, in accordance with Resolution 68 of 2018, Change Order # 1 was approved in order to complete the connection between the bikepath being constructed and the Somers Mansion, a missing section of sidewalk is required to be installed; and

WHEREAS, additional work was required including the installation of an electrical meter and panel required by electric utility to connect to electric grid. Resetting of manhole at intersection of Somers and Center Street required due to change in the road grade. Stone was required for Atlantic County Historical Society to restore existing parking area; and

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

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

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

Contract Amount	\$171,000.00
Change order 1 (to extend Somers Mansion Sidewalk)	\$3,618.00
Change order 2	

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(to reflect as-built quantities and additional
Work for electric panel, reset mahole, and

¾” Stone) \$2,157.75

Revised Contract Amount \$176,775.75

Total Deduction: \$0 Total Additional: \$5,775.75 Net Change: 3.38%

WHEREAS, the NJDOT Local Aid Office must also concur with this change order;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Somers Point Bike Path Extension Phase II (Federal Project # STP-C00S (839) Construction - NJDOT Job # 5521307) is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 105 of 2018

M/S-Toto//Dill

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

No. 105 of 2018

Subject: Recreation Commission Appointment to Fill a Vacancy
Introduced By: Councilmen McGuigan and Toto

WHEREAS, Ordinance No. 1 of 1975 authorized the establishment of a Board of Recreation; and

WHEREAS, the Mayor of the City of Somers Point may appoint not less than three (3) nor more than seven (7) members as Commissioners to said Board of Recreation; and

WHEREAS, a vacancy now exists with said term expiring December 31, 2021; and

WHEREAS, Council wishes to appoint Brandon Adams to fill the unexpired term said term expiring December 31, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the above appointment is hereby confirmed by the City Council.

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THE RECREATION COMMISSION, as of this date, consists of the following members with their expiration dates noted:

MEMBER	EXPIRATION OF TERM
Giuseppe Ungaro	December 31, 2021
Paul Huber, Jr.	December 31, 2020
Brandon Adams	December 31, 2021
Kristian Gardner	December 31, 2019
Mike Owen	December 31, 2022
Matt Endicott	December 31, 2018
Michael Stewart	December 31, 2018

Resolution No. 106 of 2018

M/S-Tapp/Toto

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

No. 106 of 2018

Subject: Certification of Receipt and Review of the Audit for the Year 2017
Introduced by: McGuigan, Dill and Gerety

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: **General Comments – Recommendations**, and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: **General Comments – Recommendations** as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

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WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who After a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent Agenda:

None

Old Business:

Administrator Swain thoroughly discussed his findings and recommendation of Ms. Merryfield’s complaint that she was being charged two sewer bills, and she opined that she should be charged for one sewer bill.

Administrator Swain had a meeting with Ms. Merryfield, and there was an inspection completed by Code Enforcement Officer/Construction Official, Jim McBrien of the residence. City Administrator Swain requested authorization from the Governing Body to give credit to Ms. Merryfield’s sewer bill beginning in 2018 as one sewer charge and to reduce to one charge and continue to charge as one sewer bill for the residence thereafter. City Council concurred with Administrator Swain’s recommendation. Council President McGuigan indicated that Ms. Merryfield has threatened litigation; therefore, he requested that the Governing Body not discuss the subject any further with Ms. Merryfield.

Councilman Dill reported that the area on Groveland Avenue where the City built the retaining wall, needs landscaping/grooming maintenance and recommended filling it in with concrete. City Council concurred with his recommendation.

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New Business:

Councilman Dill motioned, seconded by Councilman Meischker and carried to waive the 48- hr. rule for consideration of a Social Affair Permit for Theater Collaborative of South Jersey. The Governing Body approved unanimously.

Discussion of Bills:

Administrator Swain reported a bill list dated 5/8/18 in the amount of \$ 2,295,309.36. Councilman Meischker recused from all ERCO Ceilings bills.

Public Portion

The Public Portion was duly opened and hearing nothing 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:

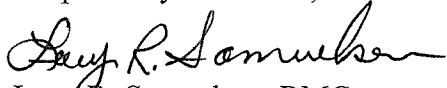
City Council recessed at 8:07 p.m. prior to going into Executive Session.

Adjournment

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

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Respectfully submitted,



Lucy R. Samuelsen, RMC

Municipal Clerk

Approved: 5/24/18