

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 11, 2017**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. *After the flag salute, there was a moment of silence in memory of Frank Ayers who was a long-time firefighter member and a member of the first ambulance squad.*

Roll call was recorded as follows:

Present: Dill, Gerety, Smith, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Municipal Clerk Samuelson, Deputy Clerk Mollenkopf and Attorney Jim Franklin

Absent: D'Adamo

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.

On the motion of Councilman Tapp, seconded of Councilman Dill and carried to waive the 48-hour rule for consideration of Resolution 101 of 2017. Additionally, Council President McGuigan moved Resolution No. 103 of 2017 to the top of the agenda.

Public Portion on Resolution:

The meeting was opened to the public regarding Resolution No. 103 of 2017, and hearing no comments from the public, the meeting was duly closed.

Resolution No. 103

M/S – Gerety/Dill

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

City Councilman Tapp thanked Ron Meischker for his time and dedication to make the waterways a cleaner and safer place for recreational activities. Being a coastal community, some people may take for granted the amount of commitment that it takes to address all the issues of the bay. Through Mr. Meischker's diligent efforts working with Stockton University, ghost traps were removed from the waterways. Councilman Tapp stated that Ron Meischker fully deserves Volunteer of the Year. Councilman Smith congratulated and thanked him for all the services and volunteerism he has provided over the years. Council President McGuigan mentioned when someone does that amount of work and dedication to others and the City, the resolution writes itself. Councilman Dill indicated that he does a lot for the City including the recreational programs, and congratulated him on a well-deserved honor. Councilman Toto

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proudly stated that he was inspired by Mr. Meischker's care of the environment, the Assault on Patcong Creek, and how he takes time to educate the youth. Mayor Glasser explained that the Harbor Master was once known as a ceremonial position; however, Ron took it to another level where he is constantly insuring that our waterways are safe and clean. When he sees a problem in the waterways, he brings it to the attention of the proper authorities to be addressed. Mayor Glasser shared that it is gratifying that he is here and is a true volunteer. Mayor Glasser thanked him exceedingly for all his service. Councilman Gerety added that he is dependable and has done much good for the City. He thanked him for all he has done and congratulated him. Mayor Glasser proudly presented the resolution to him with a round of applause.

**Recognizing and Honoring Ron Meischker
Somers Point Recreation Volunteer of the Year**

Introduced by: Mayor and City Council

WHEREAS, the City of Somers Point and the Somers Point Recreation Commission wish to recognize the efforts of Ron Meischker for his never ending willingness to serve the Community of Somers Point; and

WHEREAS, Ron serves as the volunteer Harbormaster for the City of Somers Point, assisting with the maintenance and oversight of the recreational docks, fishing piers, and boat ramps; and

WHEREAS, Ron is the founder and organizer of the "Assault on Patcong Creek Crabbing Tournament" which takes place annually in Somers Point and is the largest crabbing tournament in the United States; and

WHEREAS, Proceeds from the tournament send 6th grade students from Somers Point on a field trip around the City's waterways aboard the Duke O'Fluke charter boat and fund scholarships for children to attend marine science camps; and

WHEREAS, Ron also helps organize an annual cleanup of Patcong Creek and Somers Point's surrounding water access ways; and

WHEREAS, Ron is a volunteer member of the Somers Point Economic Development Advisory Commission and Chairperson of The Zoning Board of Adjustment; and

WHEREAS, the dedication demonstrated by Ron Meischker has impacted the lives of many of the citizens of Somers Point in a positive manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, City Council and the Somers Point Recreation Commission name Ron Meischker as the recipient of the 2016 Recreation Volunteer of the Year Award.

BE IT FURTHER RESOLVED that the City Council of Somers Point conveys their gratitude to Ron and their best wishes to him in all his future endeavors and services.

Communications:

Council President McGuigan announced Somers Point will provide a free rabies clinic on Saturday May 13, 2017 from 2:00-5:00 pm at the Public Works Garage, and the City Clerk's office will be open from 2:00 pm to 5:00 pm for pet licensing.

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Mayor's Report:

The Mayor announced the great success of Bayfest and thanked the many volunteers who work all year to put together such a wonderful event for our City. Additionally, he thanked City Administrator Wes Swain, the Department of Public Works and the Police Department. There will be a clean up 5/20/17, at 8:00 a.m. on Rt. 52 and Rt. 9. On 5/21/17 is Ron Meischker's Assault on Patcong Creek event, where the wetlands will be cleaned by volunteers. Additionally, on 5/20/17, there will be a fund raiser for Firefighter Ray Fugee. Lastly, on 5/26/17, at 2:00 p.m., the Atlantic County Veterans Cemetery there will be holding the annual ceremony at the Estell Manor Park on Route 50.

Administrator's Report:

None

Committee Reports:

Councilman Smith reported that there are two positions open on the Recreation Commission, and that the Recreation Commission amended their by-laws. Councilman Smith indicated that the Department of Public Works lines the fields; however, if overtime is needed to complete that task, then the costs should be passed on.

Approval of Minutes:

M/S – Tapp/Toto

The Regular Minutes of 1/26/17 and the Executive Session minutes of 4/13/17 were approved by a unanimous vote of those present.

Ordinances:

No. 7 - Second Reading/Public Portion/Adoption

M/S – Gerety/Toto

Council President McGuigan read an email from Monica Coffeey from the Atlantic County Utility Authority. She thanked Mayor and City Council for taking the lead in adopting Ordinance 7 of 2017. Carol Jones of Tuckahoe expressed her concern of thanks regarding

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protection of the waterways from the pollution of balloons. Ron Meischker, Harbor Master, recommended that the Governing Body adopted the ordinance unanimously to safeguard the water and the marine life. Council President McGuigan mentioned that the Green Team is also a supporter of the ordinance.

No. 7 of 2017

An Ordinance

Amending and Supplementing Somers Point Municipal Code Chapter 117
"Disorderly Conduct" to Add Section 117-15 "Release of Balloons" and Repealing
all Ordinances Inconsistent Therewith

Whereas, environmental groups and animal protection activists say released balloons often land in the ocean, where marine mammals, turtles and other sea life can become entangled in them or ingest them and die; and

Whereas, birds, turtles and other animals commonly mistake balloons for food, which can harm or even kill them and in addition, many animals can become entangled in balloon strings, which can strangle them or hurt their feet and hands; and

Whereas, the UK Marine Conservation Society has reported that an infant sperm whale met its death in New Jersey in 1985 as a result of ingestion of an inflated mylar balloon which had lodged in its intestines and died of starvation. Also that the following species, all of which occur in the North East Atlantic waters off the UK, have been reported with latex balloons in the digestive systems:

- Common Dolphin
- Risso's Dolphin
- Loggerhead Turtle
- Leatherback Turtle
- Blue Shark
- Northern Fulmar

All seven species of marine turtle are near extinction and many turtles of two species in particular, the Loggerhead and Leatherback turtle, have been found with balloons in their guts, probably having mistaken them for jellyfish, their preferred prey; and

Whereas, each of those species are also present along the coast of New Jersey; and

Whereas, the U.S. Fish and Wildlife Service reported on August 5, 2015 that "more than a hundred balloons had recently been collected at Edwin B. Forsythe National Wildlife Refuge in New Jersey at a cleanup, and that's just the number that made it to this one particular beach." and

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Whereas, it is the policy of the governing body of the City of Somers Point to protect the general health and safety of the general public and of the environment.

Now, therefore, it is hereby **ORDAINED** by the Common Council of the City of Somers Point, County of Atlantic, State of New Jersey that:

SECTION 1: Amendment to Somers Point Municipal Code Chapter 1 17.

Chapter 117 of the Somers Point Municipal Code is amended to add Section 117-15 "Release of Balloons" as follows:

Section 1 17-15 Release of Balloons.

A. Purpose and Intent: This Section is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

B. Prohibited Releases: It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the City of Somers Point city limits, except for:

- (a) Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
- (b) Hot air balloons that are recovered after launching.
- (c) Balloons released and kept indoors.

SECTION 2: All other provisions of Chapter 117 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: 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.

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on April 27, 2017 and will be

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further considered for final passage after a public hearing thereon at a meeting of said Common Council on May 11, 2017.

No. 8 - Second Reading/Public Portion/Adoption
M/S – Toto/ Dill

Councilman Toto thanked Councilman Dill for bringing this to the attention of City Council, which will assist those military personnel that are currently deployed and their families at home. Additionally, he thanked all military personnel for the service to our Country.

No. 8 of 2017

An Ordinance

Amending and Supplementing Somers Point Municipal Code Chapter 212 “Sewers” to add an Article VIII "Military Deployment User Rate Discount" and Repealing all Ordinances Inconsistent Therewith

Whereas, Congress designated May as National Military Appreciation Month in 1999 to ensure the nation was given the opportunity to publically demonstrate their appreciation for the sacrifices and successes made by our service members - past and present; and

Whereas, the governing body of the City of Somers Point joins in recognizing and honoring the United States Armed Forces; and

Whereas, service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members and their families; and

Whereas, the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces;

Whereas, on November 14, 2016 Assembly Bill 3534 was passed by both the New Jersey Senate and the New Jersey House of Representatives and was signed into law by Governor Christie on January 9, 2017 amending N.J.S. 40A:26A-10.1 and granting the authority to any local unit operating a county or municipal sewerage facility to establish within its district rates or schedules which provide for a reduction, deferment without interest, or total abatement to any person who is enlisted in any branch of the United States Armed Forces to be effective during the period of time in which that person is deployed for active service in time of war; and

Whereas, the City of Somers Point does provide wastewater collection service through its Sewer Utility; and

Whereas, in order to support those military personnel and their families residing within the home to which sewer service is provided by the City this governing body deems it prudent to offer a discount in the amount of fifteen percent (15%) of the annual sewer user charge which shall be available to any resident who:

- i) owns or is the leasee of the property to which sewer service is being provided and in whose name the service is listed for billing prior to and during the time of deployment;

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- ii) is enlisted or actively serving in any branch of the United States Armed Forces;
- iii) who is deployed for active service in time of war; and
- iv) whose sewer billing is current at the time of the application if a lessee; and whose sewer billing and real estate tax payments are current at the time of the application if the owner of the property, and all remain current throughout the period of eligibility.

The request may be applied for by the military personnel or his or her spouse or immediate family member residing in the home on forms to be provided by the Somers Point Tax Collector and including a true copy of the deployment papers. No refunds or retroactive adjustments shall be made or applied by the City. The discount shall be in the form of a credit against future sewer bills commencing upon the effective date of approval by the Tax Collector.

Now, therefore, it is hereby **ORDAINED** by the Common Council of the City of Somers Point, County of Atlantic, State of New Jersey that:

SECTION 1: Amendment to Somers Point Municipal Code Chapter 212.

Chapter 212 of the Somers Point Municipal Code "Sewers" is amended to add an Article VIII "Military Deployment User Rate Discount" as follows:

Article VIII Military Deployment User Rate Discount.

Section 212-24 User Rate Discount.

Notwithstanding anything to the contrary contained within Article V of Code Chapter 212:

- A) any person who is enlisted or actively serving in any branch of the United States Armed Forces and is deployed on active service during time of war shall be eligible to apply for a military discount in the amount of fifteen percent (15%) of the annual sewer user charge which shall be subject to proof of active service and which shall be pro-rated to apply from the date of approval of the request and thereafter only during the time of active service deployment during time of war.
- B) Application shall be made by the enlisted individual, his or her spouse, or a member of the military personnel's immediate family and shall be submitted on forms provided by the Somers Point Tax Collector accompanied by proof of active deployment and proof of ownership of the property by the service person to which sewer service is being provided at the time of and during the deployment or proof that the service person is the Lessee of a property who was named as the responsible party on the Somers Point Sewer bill prior to and during the time of deployment.
- C) An application for the Military User Charge Discount shall be filed for each calendar year and any person receiving the discount shall inform the Somers Point Tax Collector promptly upon the end of deployment.
- D) An application received during any calendar year shall be prorated from the effective date of approval through to the end of the calendar year; and any notice of termination of deployment shall likewise be prorated commencing upon the date of the end of deployment.

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E) There shall be no retroactive application accepted or retroactive discount given. The discount shall be applied in the form of a credit on future sewer bills commencing upon the effective date of approval by the Tax Collector.

F) In order to be eligible all sewer billings, real estate taxes or other payments or assessments due to the City for which the service person lessee or owner is responsible shall be current; and shall continue to be current during deployment in order to continue to be eligible for the discount.

SECTION 2: Effective Date.

This Ordinance amendment shall be effective on the first day of June, 2017 and shall continue in full force and effect until amended or repealed by City Council action.

SECTION 3: All other provisions of Chapter 212 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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.

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on April 27, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on May 11, 2017.

Public Portion on Resolutions:

Meeting was opened to the public regarding the Resolutions on the agenda, and hearing no comments, duly closed.

Consent Agenda:

None

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RESOLUTIONS:

Council President McGuigan recused himself regarding Resolution 95 of 2017.

Council President Pro Tempore Tapp called for a motion to adopt the resolution.

Resolution No. 95

M/S – Gerety/Toto

The resolution was adopted by a unanimous vote of those present with Council President McGuigan abstaining.

No. 95 of 2017

Subject: Change Order – Gateway Theatre

Introduced by: Councilmen Tapp and Gerety

WHEREAS, in accordance with Resolution 135 of 2016 Capri Construction, Inc. of Vineland, New Jersey was awarded the contract for the Gateway Theatre Renovations; and

WHEREAS, during the course of construction items of work have been identified that either add to or deduct from the cost of the work; and

WHEREAS, twelve of such items are outlined in a Modification to Contract proposal dated April 7, 2017 which is attached hereto and made a part hereof; and

WHEREAS, the Architect of Record, William McLees, has recommended approval of a change order that accepts the attached proposal; and

WHEREAS, those changes have resulted in net deduct of \$23,422.00 to the contract amount as follows:

Base Contract	\$675,000.00	
Change Order 2 (Proposal dated April 7, 2017)	Deduct \$23,422.00	
Revised Contract Amount	\$651,578.00	
Total Deduction: \$23,422.00	Total Additional: \$0	Net Change: -3.47%

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for Gateway Theatre Renovations, which includes an option for additional gypsum wallboard finishing on the second floor is hereby approved and that the City Administrator is hereby authorized to execute all documents in this regard on behalf of the City.

Resolution No. 101

M/S – Tapp/Toto

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

No. 101of 2017

Subject: Economic Development Advisory Commission
Introduced by: Councilmen Tapp and Smith

WHEREAS, Ordinance No. 1 of 2006 authorized the establishment of an Economic Development Advisory Commission; and

WHEREAS, Ordinances No. 31 of 2007 and Ordinance 5 of 2014 amended said Ordinance; and

WHEREAS, a vacancy exist due to the resignations of Catherine Chamberland as an Ex-Officio member, said term expiring December 31, 2019; and

WHEREAS, in accordance with ordinance, the City Council hereby appoints Pamela J. Chamberlain as an Ex-Officio member to fill the unexpired term of Catherine Chamberland, said term expiring December 31, 2018; and

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Advisory Commission consists of the following members:

<u>Regular Members</u>	<u>Expiration of Term</u>
Maria Deaver	December 31, 2018
Glenn Monroe	December 31, 2017
Greg Sykora	December 31, 2017
Mario Swarez	December 31, 2017
Ron Meischker	December 31, 2019
Sue Seckinger	December 31, 2019
Ron Ralston	December 31, 2019
Tay Person	December 31, 2019
<u>Advisory ExOfficio Member(s)</u>	<u>Expiration of Term</u>

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Nichol Hoff
Pamela J. Chamberlain

December 31, 2019
December 31, 2019

Resolution No. 102

M/S – Tapp/Toto

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

City Council President McGuigan thanked the Municipal Clerk’s Office for their service to the public. Councilman Toto thanked the Municipal Clerk’s Office for their compassion and helping the public.

No. 102 of 2017

Municipal Clerks Week
May 7 - 13, 2017

Introduced 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

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, County of Atlantic, State of New Jersey, recognize the week of May 7 through May 13, 2017, 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.

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Resolution No. 104

M/S – Gerety/ Toto

Councilman Tapp motioned, seconded by Councilman Dill and carried, amending to reflect the grant amount received from \$5,000 to \$5,500

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

No. 104 of 2017

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan, Councilmen Dill and Gerety

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$5,500.00 and wishes to amend its 2017 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$5,500.00 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

NJ Division of Highway Traffic Safety

Distracted Driver Crackdown 2017 \$5,500.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$5,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

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Public and Private Programs Offset by Revenues:

NJ DHTS Distracted Driver Crackdown 2017	\$5,500.00
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BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 105

M/S – Dill/Toto

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

Councilman Dill indicated that this is Phase I, and there will be a Phase II later this year. This resolution represents continuing efforts from the past and current City Council addressing infrastructure issues and problems in this town. Councilman Dill stated that he fully supports the resolution that is a continuance of a 15-year paving program.

No. 105 of 2017

Subject: Awarding Bid for the 2017 Road Program – Phase I
Introduced by: Councilmen Dill and Toto

WHEREAS, on May 5, 2017 the City of Somers Point received bids for the 2017 Road Program – Phase I; 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 \$508,700.00.

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 I is hereby awarded to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$508,700.00.
- 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.

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Resolution No. 106

M/S – Dill/Toto

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

Councilman Dill mentioned that the New Jersey Department of Transportation awarded this grant to the City.

No. 106 of 2017

Subject: Awarding Bid for the 2016 Centre Street Reconstruction
Introduced by: Councilmen Dill and Toto

WHEREAS, on May 5, 2017 the City of Somers Point received bids for the 2016 CDBG Centre Street Reconstruction; and

WHEREAS, Jerry & Son Excavation, Inc. of Mays Landing, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Jerry & Son Excavation, Inc. of Mays Landing, New Jersey in the amount of \$66,275.00.

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

- 3.) The Contract for the 2016 CDBG Centre Street Reconstruction is hereby awarded to Jerry & Son Excavation, Inc. of Mays Landing, New Jersey in the amount of \$66,275.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Jerry & Son Excavation, Inc., signing on behalf of the City.

Resolution No. 107

M/S – Smith/Toto

The resolution was adopted by a unanimous vote of those present. Councilman Dill abstained from voting due to a conflict of interest and will not be present at the Executive Session.

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**No. 107 of 2017
Authorizing Executive Session**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, 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) topic which involve the negotiations between the City and PBA 77 and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on May 11, 2017 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each 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 “(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”
The terms and conditions of three separate Collective Bargaining Agreements between the City of Somers Point and PBA 77 [Patrolpersons and Dispatchers / Supervising Officers / Superior Officers] may be discussed.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 – 45 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 reasons;

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)

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Subject of Discussion	Estimated Date	Necessary Occurrence
See #4 above	Upon Completion of Negotiations	Final Resolution of Council approving and ratifying Contract or other Final Disposition.

Resolutions No. 108

M/S – Dill/Smith

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

Resolution No. 108 of 2017

Subject: Authorization to Issue a Request for Professional Engineering Design Services Proposals for the Somers Point Bikepath Widening and Lighting Project in Compliance with the terms of a Regional Transportation Alternatives Program Grant

Introduced By: Councilmen D’Adamo and Dill

WHEREAS, the City of Somers Point has received a Regional Transportation Alternatives Program Grant in the amount of \$755,000.00 for the Somers Point Bikepath Widening and Lighting Project, which includes \$60,000.00, for engineering design; and

WHEREAS, the Grant Agreement requires the City of Somers Point to advertise for Professional Engineering Design Services in accordance with the Brooks Act (Public Law 92-582), also known as Qualifications Based Selection (QBS); and

WHEREAS, it is necessary to proceed with advertisement for such services in order to adhere to the construction schedule;

NOW, THEREFORE, BE IT RESOLVED that the City Administrator is authorized to advertise for request for proposals in conformance with the Brooks Act (Public Law 92-582), also known as Qualifications Based Selection (QBS) said proposals to be received in the City Administrator’s office at a time established thereafter in accordance with the specifications.

Resolutions No. 109

M/S – Dill/Toto

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

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No. 109 of 2017

Authorizing Tonnage Grant Application

Introduced By: Councilman Dill

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, its the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and designates Wes Swain, City Administrator, and James Daugherty, Recycling Coordinator, to ensure that the said Application is properly filed.

Resolution No. 110

M/S – Dill/Toto

The resolution was adopted with a majority vote of those present with Councilman Smith voting no. Mayor Glasser indicated that the Atlantic County Mayor’s Association brought this forth to support Atlantic County in suing the State on the constitutionality of the Pilot Program.

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Resolution No. 110 of 2017

A RESOLUTION AUTHORIZING THE CITY OF SOMERS POINT IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY TO JOIN THE COUNTY OF ATLANTIC AS A PARTY PLAINTIFF IN A LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF THE CASINO PILOT LAW

WHEREAS, The City of Somers Point (the “Municipality”) is a body politic of the State of New Jersey located within the County of Atlantic (the “County”); and

WHEREAS, the Municipality and all other constituent municipalities in the County follow uniform assessment and tax collection practices for all non-exempt real properties located within their borders, pursuant to the provisions of Title 54 of the New Jersey Statutes as authorized by the uniformity provisions of Article VIII of the New Jersey Constitution; and

WHEREAS, the County is a body politic operating as a County Executive form of government pursuant to N.J.S.A. 40:41A-27, et seq.; and

WHEREAS, the County levies taxes for its government services upon the owners of all real property located within the County which taxes are then assessed and collected by the Municipality and the other constituent municipalities within the County pursuant to the uniform standards of assessment and tax collection as referenced above; and

WHEREAS, in 2016 the New Jersey Legislature adopted and the Governor signed into law Senate Bill No. 1715 entitled the Casino Property Tax Stabilization Act (also known as the PILOT Bill), which established a program whereby Atlantic City casino gaming properties, as defined in the Act, are exempted from the uniform tax assessment standards which apply to all other properties located within the County; and

WHEREAS, the PILOT Bill removes the uniform methods of assessment and taxation from the Atlantic City casino gaming properties and exempts those properties from assessment and taxation for the next ten (10) years and establishes a set combined payment amount for Atlantic City casino gaming properties, which practice deviates from the uniformity provisions of Article VIII of the New Jersey Constitution; and

WHEREAS, the implementation of the PILOT Bill by an unelected administrative state body will result in the valuation of casino gaming properties being removed from the County ratable base and would remit to the County a share of the PILOT payments which is likely to be substantially less than the amount the County would likely be paid if casino gaming properties were properly assessed under uniform assessment practices and their valuations continued to be included in the County ratable base; and

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WHEREAS, implementation of these non-uniform standards will require the County to substantially increase its tax rate which will result in those increases being imposed upon all non-casino real property owners residing in the Municipality and in the other municipalities located within the County and which will be detrimental to the property tax paying citizens residing therein; and

WHEREAS, the County is preparing to file a Declaratory Judgment lawsuit to challenge the constitutionality of the PILOT Bill due to its departure from the State Constitution's uniformity provisions and other defects regarding its passage and implementation; and

WHEREAS, these matters were discussed at a meeting of the Atlantic County Mayors' Association held on April 28, 2017 at which time the members of the Association unanimously agreed to have their respective municipalities join as party plaintiffs in the legal action to be led by the County; and

WHEREAS, the County and the respective municipalities who elect to join as party plaintiffs have the same goal and interests in attacking the constitutionality of the PILOT Bill so that all party plaintiffs may be represented by a single law firm; and

WHEREAS, the Governing body of the City of Somers Point believes it to be in the best interests of its residents to join as a party plaintiff in the planned legal action.

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the City of Somers Point in the County of Atlantic, State of New Jersey that it hereby agrees to join the County as a party plaintiff in a legal action challenging the constitutionality of the PILOT Bill with the County acting as the lead plaintiff on behalf of this municipality and others, who choose to join as party plaintiffs, being represented by the same law firm, the cost of which will be borne by the County.

Old Business:

Wes Swain, City Administrator, requested from FEMA clarifications to various data regarding properties in the City. Apparently, there are approximately 100 property discrepancies between what FEMA is claiming and what Mr. Swain and Greg Schneider, City Engineer, are claiming. At this time, Mr. Swain has requested a meeting with FEMA.

New Business:

Planning Board Recommendation to City Council Regarding Zone Modifications

City Council President McGuigan mentioned that the information was received just recently. Council President McGuigan stated that there has been no discussion regarding changing any

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density requirements or restrictions. Ron Meischker, Zoning Board Chair, explained how this could lead to more density and mentioned that the Planning Board is following criteria of New Jersey Department of Environmental Protection. Councilman Smith stated that he plans to vote no. Councilman Dill believes it would be beneficial to have representatives from the Planning Board at a City Council meeting. Mayor Glasser voted against the recommendation because it is taking the review process out of the hands of the City.

City Council approved raffle and bingo licenses for the Charity League, Knights of Columbus #10220, St. Joseph Council, and Egg Harbor Township Schools, Inc., with Councilman D’Adamo recusing himself from the Knights of Columbus raffle.

Discussion of Bills:

Administrator Swain reported a bill list dated 5/9/17 in the amount of \$3,460,243.41 along with records of payments. Council President McGuigan recused himself from the bills of Concord Engineering Group.

Public Portion

Resident, Ed O’Donnell expressed his concern regarding negativity in the world. Additionally, he mentioned that Channel 10 is looking for a WaWa to broadcast their news and suggested contacting them.

Resident, Patty Cianci, expressed concern regarding the Planning Board recommendation regarding zone modification. Council President McGuigan mentioned that no formal decisions have been made. Ms. Cianci requested that the information be posted on the City’s website.

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

Payment of Bills

M/S – Tapp/Toto

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

Recess:

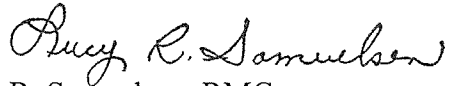
City Council recessed at 8:17 p.m. prior to going into Executive Session.

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Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 9/14/2017