

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 27, 2019**

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, Meischker, D’Adamo, Gerety, Tapp, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, 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:

Council President McGuigan reported a letter received from Senator Chris Brown’s office regarding heavy traffic on Somers Avenue. Council President McGuigan will schedule a meeting with all involved.

Mayor’s Report:

Mayor Glasser reported that last Saturday was the famous Assault on Patcong Creek, which was very successful. Mayor Glasser extended his congratulations to Councilman Meischker. Mayor Glasser read a thank you letter from Kathy Arleth, Chair of the Art Commission, thanking the Department of Public Works for their assistance and the support of City Council. Mayor Glasser passed on a letter to Council President McGuigan regarding a request for handicap parking at 653 7th Street. Last Sunday evening, Mayor Glasser was a guest on the Dan Skelton’s podcast. Mayor Glasser congratulated Daniel Bryan III for completing and graduating the police academy.

Administrator’s Report:

Wes Swain, City Administrator, reported that from a previous capital budget, the City had a new trash truck delivered two days ago. Additionally, he reported that an employment ad for

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marina supervisor for the new transient marina is listed on the City's website with a closing date of July 3rd. After all the close out documents are completed, a marina supervisor will be hired.

Solicitors Report:

None

Committee Reports:

Councilman D'Adamo reported that he reviewed several library contracts with the County and found that most towns are paid the same based on square footage. He did note that there has not been an increase for a long time; however, the expenses have increased. City Administrator Swain mentioned that the length of our contract is usually one year with an option of another year.

Approval of Minutes:

Councilman Dill motioned, seconded by Councilman Tapp and carried to approve the Regular Meeting Minutes of 6/13/2019.

Proclamation:

None

Ordinances:

Ordinance No. 8

(Second Reading/Public Hearing)

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

M/S – Dill/D'Adamo

The ordinance was adopted by unanimous vote of those present.

No. 8 of 2019

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**AN ORDINANCE CREATING AND ESTABLISHING THE
“RULES AND REGULATIONS OF THE SOMERS POINT
CITY MARINA” AND REPEALING ALL ORDINANCES
HERETOFORE ADOPTED THE PROVISIONS OF WHICH
ARE INCONSISTENT HEREWITH.**

WHEREAS, the City of Somers Point (“City”), County of Atlantic and State of New Jersey, hereby confirms its intention and declares that the City owned Marina shall be available for use by the public to provide convenient transient boating slips on a first-come-first-served basis as an accommodation to residents and visitors and to provide a port-of-call for use by patrons frequenting the business and establishments within the City of Somers Point; and

WHEREAS, upon completion of the City’s Marina, the City of Somers Point recognizes that there will be a need to have established rules and regulations for the safe use of the Somers Point City Marina by residents and visitors; and

WHEREAS, the City seeks to establish such rules and regulation so as to facilitate the safe and efficient operation of the City Marina by virtue of this Resolution.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that:

SECTION 1. Purpose.

There shall be, by this chapter, hereby established within the City of Somers Point, County of Atlantic, “Rules and Regulations of the Somers Point City Marina” for the purposes of promoting the safe use of the Somers Point City Marina by residents and visitors. A copy of said Rules and Regulations shall be maintained in the office of the City Clerk and made available for inspection and/or copying.

SECTION 2. Rules and Regulations.

(a) The City Council hereby delegates to and directs that the City Administrator shall proceed with all due diligence to compile the Rules and Regulations of the Somers Point City Marina which shall be deemed incorporated herein and adopted hereby. The City Administrator is further hereby authorized to amend said Rules and Regulations as they deem necessary due to unforeseen conditions so as to further promote the safe and efficient operation of the Somers Point City Marina.

(b) The Rules and Regulations of the Somers Point City Marina, as well as the operation of the City Marina itself, shall in all respects comply with the requirements, terms and conditions of the “Agreement Boating Infrastructure Grant Program NJ FY 2015 BIG Tier II – City of Somers Point.” In the event of any conflict, the requirements, terms and conditions of the “Agreement Boating Infrastructure Grant Program NJ FY 2015 BIG Tier II – City of Somers Point” shall control.

(c) City Council for the City of Somers Point hereby retains the authority to promulgate, adopt and/or amend said Rules and Regulations, subject to the requirements of subsection

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(b), above, as they deem necessary and appropriate. Any such rules and regulations so promulgated shall supersede any rules and regulations promulgated by the City Administrator.

SECTION 3. Severability and Effectiveness Clause.

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

B. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency

SECTION 4. Effective Date.

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

Ordinance No. 9 of 2019

(First Reading/Introduction)

M/S – Dill/Toto

Councilman Meischker recused himself from only the portion that references the Administrative Officer of Planning and Zoning and the subsequent steps below.

The ordinance was adopted by unanimous vote of those present.

No. 9 of 2019

**AN ORDINANCE FIXING THE SALARIES, WAGES
AND COMPENSATION OF THE OFFICERS AND
EMPLOYEES OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY.**

BE IT ORDAINED by the City Council of the City of Somers Point, New Jersey that the annual wages, salaries and compensation of the Officers and Employees of the City of Somers Point shall be as follows, as of January 1, 2019:

**SECTION 1. FULL TIME EMPLOYEES
(for full year)**

Position	From:	To:
Account Clerk Typist	23,400	51,200

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Bookkeeper	23,400	51,650
City Administrator	60,000	152,810
City Clerk/Registrar of Vital Statistics, Municipal Search Officer, first year	40,000	73,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 1 year	73,000	75,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 2 years	75,000	77,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 3 years	77,000	80,000
Clerk Typist	23,400	30,200
Clerk Typist/Matron	23,400	53,300
Chief Financial Officer	5,000	25,000
Construction Official	40,000	62,700
Court Administrator	40,000	84,250
Department of Public Works Worker	24,500	69,100
Department of Public Works Work Leader	48,000	77,100
Deputy City Clerk/Deputy Registrar	30,000	53,500
Deputy Court Administrator	28,400	55,600
Deputy Tax Collector	28,400	54,900
Dispatcher	25,000	per contract
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary		
Start	20,000	27,300
After completion of 6 months	20,000	30,300
After completion of 1 year	20,000	33,300
After completion of 1 year with Technical		
Assistant to the Construction Official Certification	20,000	35,300
After completion of 2 years	33,300	36,600
After completion of 2 years with Technical		
Assistant to the Construction Official Certification	33,300	38,600
Police Patrol Officer	31,000	per contract
Police Sergeant	83,600	per contract
Police Lieutenant	107,700	per contract
Police Captain	116,400	per contract
Police Chief	99,200	154,100
Principal Manager of Public Works	60,000	96,870
Superintendent of Public Works	60,000	96,870
Asst. Supervisor of Public Works	40,000	77,100
Tax Assessor	40,000	87,700
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	72,950
Confidential Asst. to the City Administrator	22,000	66,400
Confidential Asst. to the City Administrator – Account Clerk	22,000	66,400

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Confidential Asst. to the City Administrator –		
Senior Account Clerk	66,400	67,728
Deputy City Administrator, during first calendar year	66,400	67,728
Deputy City Administrator, during second calendar year	67,728	70,000
Comptroller	50,000	61,400
Comptroller, during second calendar year	61,400	66,400
Comptroller, during third calendar year	66,400	70,000
Senior Account Clerk	50,000	61,400
Senior Account Clerk, during second year	61,400	66,400
Waste Water Collection System Operator	5,000	12,600
Qualified Purchasing Agent	1,200	20,000
Joint Insurance Fund Commissioner	1,200	2,500
Confidential Secretary to the Police Chief, first year	22,000	25,500
Confidential Secretary to the Police Chief, after completion of first year	25,500	27,200
Confidential Secretary to the Police Chief, after completion of second year	27,200	28,900
Confidential Secretary to the Police Chief, after completion of third year	28,900	40,600
Acting Police Chief Stipend		5,200

Each full-time employee shall be paid for overtime, and any other additionally earned compensation, in accordance with his/her employment contract. This may include additional compensation based upon the length of his/her service, at the rate of \$100.00 per year, paid in addition to, and together with his/her salary.

**SECTION 2. PART TIME OFFICERS & EMPLOYEES
(for full year)**

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	15,000
Plumbing Sub-Code Official	7,000	12,000
Fire Sub-Code Official	7,000	12,000
Building Inspector	10.00	25.00
Construction Official	10.00	25.00
Temporary UCC Sub-code Official	10.00	25.00
Zoning Code Enforcement Officer	10.00	25.00
Asst. Code Enforcement Officer	2,500	6,000
Asst. Code Enforcement Officer	10.00	25.00
Clerk-Typist	9.00	20.00
Administrative Officer of Planning and Zoning		

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& Construction & Code Enforcement Secretary		9.00	20.00
	per hour		

Police Department

Dispatcher		9.00	20.00
	per hour		
School Traffic Guard		27.00	48.00
	per day		
Special Officer		11.00	25.00
	per hour		
Data Processing Clerk		9.00	18.00
	per hour		
Clerk Typist		9.00	18.00
	per hour		

Recreation

Summer Recreation Coordinator		10.00	25.00
	per hour		
Lifeguard		9.00	20.00
	per hour		
Recreation Workers		9.00	40.00
	per hour		
Boat Ramp Attendant		9.00	16.00
	per hour		
Program Instructor		9.00	35.00
	per hour		

Public Works Department

Clean Communities Coordinator		500	1,200
Clean Communities Laborer		9.00	18.00
	per hour		
Recycling Coordinator		200	800
Public Works/Sanitation Workers		9.00	20.00
	per hour		
Public Works Secretary		9.00	18.00
	per hour		
Parking Lot Attendant		9.00	15.00
	per hour		
Waste Water collection System Operator		5,000	12,600
Custodian		9.00	18.00
	per hour		
Marina Worker		9.00	15.00
	per hour		
Marina Supervisor		10.00	25.00
	per hour		
Marina Supervisor		75.00	100.00
	per day		

Administration, Finance, Tax Collector, Tax Assessor and Court

Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		5,000	25,000
City Engineer		5,000	13,000
Clerk Typist		9.00	22.00
	per hour		
Municipal Alliance Coordinator		500	2,000
Safety Coordinator		19.00	25.00
	per hour		
Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		1,200	20,000
Joint Insurance Fund Commissioner		1,200	2,500
Municipal Magistrate		10,000	24,000
Temporary Court Clerk		60.00	100.00
	per court session		

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Bureau of Fire Prevention

Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	10.00	20.00

Fire Department

Fire Chief			Up to 7,000
Deputy Fire Chief			Up to 5,400
Assistant Chief			Up to 3,900
Captain			Up to 3,600
Lieutenant			Up to 3,300
Fire Marshall			Up to 2,500
Fire Marshall	per inspection hour	10.00	20.00
Deputy Fire Marshall			Up to 2,500
Deputy Fire Marshall	per inspection hour	10.00	20.00
Fire Safety Officer			Up to 1,600

Emergency Management

Emergency Management Coordinator			Up to 4,500
Deputy Emergency Management Coordinator			Up to 3,000
Assistant Emergency Management Coordinator			Up to 500

Each part time hourly employee shall be paid for overtime at the rate of one and one-half times the employee’s straight time hourly rate for all hours of work which are more than eight hours worked in one day or forty hours worked in one week for any such part time work.

SECTION 3. REPEALER

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

Ordinance No. 10 of 2019

(First Reading/Introduction)

M/S – Gerety/Toto

The ordinance was adopted by unanimous vote of those present.

No. 10 of 2019

An Ordinance Amending Chapter 114, Article XX of the Revised General Ordinances of the City of Somers Point so as to Include a new Section Designated as “Bamboo Planting Prohibited;

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**Containment and Removal” and Repealing All Ordinances
Heretofore Adopted the Provisions of Which Are Inconsistent
Herewith**

WHEREAS, the City of Somers Point adopted Chapter 114- Development Regulations, Article XX- Regulations Applicable to All Districts, which provided for, *inter alia*, development regulations, including but not limited to, design and area requirements for the Regulations Applicable to All Districts; and

WHEREAS, in the judgment of the City Council for the City of Somers Point, it is in the public interest for the Regulations Applicable to All Districts article to be amended to include the prohibition of bamboo planting and regulating their containment and removal.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Somers Point, County of Atlantic and State of New Jersey, that:

SECTION 1. **§114 of Article XX., Regulations Applicable to All Districts, is hereby amended to include the following:**

§114-123, Bamboo Planting Prohibited; Containment and Removal

It is determined that certain types of the bamboo plant are invasive and often difficult to control, and such bamboo can and has caused significant damage to properties in the City of Somers Point. The purposes of this section are to preserve and protect private and public property from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the City of Somers Point.

A. **Prohibition.** No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as "running bamboo" (monopodial) or “clumping bamboo” (sympodial) upon any property located within the City of Somers Point. For the purposes of this section this includes any bamboo in the genus Phyllostachys, including Phyllostachys aureosulcata as well as the following plant genera: Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, Semiarundinaria

B. **Duty to Confine.**

In the event any species commonly known as "running bamboo" or “clumping bamboo” is located upon any property within the City of Somers Point, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu

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of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property and all affected properties. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the bamboo which is on his/her property at the time of the adoption of this article originated on another property.

C. Removal.

- (1) In the event running bamboo is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root, and the Code Enforcement Officer of the City, after observation and/or inspection and upon presentation by the complaining property owner of sufficient evidence by way of expert analysis or otherwise as to the originating source to the satisfaction of the Code Enforcement Officer, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter, "the affected property"), the City shall serve notice to the bamboo property owner, in writing, that the bamboo has invaded other private or public properties or public rights-of-way and demand removal of the encroachment of the bamboo from the affected property, and demand approved confinement against future encroachment, or in the alternative, the total removal from the bamboo property owner's property. Notice shall be provided to the bamboo property owner, as well as to the owner of the affected property, by certified, return-receipt-requested mail and regular mail. Within 45 days of receipt of such notice, the bamboo property owner shall submit to the Code Enforcement Officer of the City, with a copy to the owner of the affected property, a plan for the removal of the encroachment of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the encroachment. Within 120 days of receipt of the Code Enforcement Officer's approval of the plan of the removal and restoration, the remediation and restoration shall be completed to the satisfaction of the Code Enforcement Officer of the City.
- (2) If the bamboo property owner does not accomplish the removal of the bamboo from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the City of Somers Point shall cause a citation to be issued with a penalty up to \$100.00 for each day the violation continues, enforceable through the Municipal Court of the City of Somers Point. The Administrative Officer may request, and the Municipal Court may grant, a specific performance remedy. The City may also institute civil proceedings for injunctive or civil relief.
- (3) Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

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(4) When an encroachment is upon public property or a public right-of-way and the bamboo property owner and/or occupant has not complied with the written notice provided as set forth above, the City of Somers Point, at its discretion, may remove or contract for the removal of such bamboo from the City property or public right-of-way. The cost of such removal shall be the responsibility of the bamboo property owner and occupant and shall be paid or assessed as a lien against the property on which the bamboo growth originated. The cost of said removal from the City-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future bamboo invasion.

D. **Replanting Prohibited.** Any “running bamboo” or “clumping bamboo” either planted or caused to be planted or existing on the effective date of this regulation may not be replanted or replaced once such bamboo is or has become dead, destroyed, uprooted, or otherwise removed.

SECTION 2. Severability and Effectiveness Clause.

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

B. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

This Ordinance shall take effect upon final passage and publication pursuant to law.

Public Portion (Resolutions)

Hearing nothing further from the public, the Public Portion was duly closed. A motion was made, seconded and carried for a 48-hour waiver to add Resolution No. 145 of 2019 to the agenda.

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Resolution No. 127 of 2019

M/S- Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 127 of 2019

Subject: Approve Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation SST-2020-Somers Point City-00016

Introduced by: Dill and D'Adamo

WHEREAS, the New Jersey Department of Transportation offers Safe Streets to Transit funding; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, this grant program does not require matching funds; and

WHEREAS, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point formally approves this Safe Streets to Transit application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2020-Somers Point City-00016 to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 128 of 2019

M/S-Gerety/Tapp

The resolution was adopted by unanimous vote of those present.

No. 128 of 2019

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Subject: Liquor License Renewals

Introduced by: Council President McGuigan

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed through June 30, 2020:

0121-33-014-009	Josie Kelly's LLC
0121-33-010-002	Gregory Hotel, Inc
0121-33-017-008	RA Ranalli Enterprises LLC
0121-33-004-007	Point Pub of NJ, Inc.
0121-33-009-003	Alice Pearl, Inc.
0121-33-011-007	Clancy's by the Bay, Inc..
0121-33-019-017	939 Bay Avenue, LLC

Resolution No. 129 of 2019

M/S-Toto/Gerety

The resolution was adopted by unanimous vote of those present.

No. 129 of 2019

Subject: Providing a Refund to William Loro Regarding Taxes Paid on the Property Located at 32 W. Maryland Avenue in the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, N.J.S.A. 54:4-3.30 *et.seq.*, also known as the Disabled Veterans' Act, provides that dwellings occupied by disabled veterans may qualify to be exempt from real estate property taxes; and

WHEREAS, William Loro has previously been determined to be eligible for said exemption regarding the property owned by him located at 32 W. Maryland Avenue in the City of Somers Point; and

WHEREAS, the mortgagee (or its representative) of said property erroneously made a payment of \$1196.51 regarding taxes believed to be owed on said property; and

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WHEREAS, Lereta Tax & Flood Services, on behalf of the mortgagee, has requested that this erroneous payment be refunded to William Loro; and

WHEREAS, the City Council of the City of Somers Point, upon the recommendation of the Tax Collector, is satisfied that William Moro is entitled to said refund.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that William Loro shall be refunded the net amount of \$1196.51 as has been calculated by the Tax Collector for the City of Somers Point.

Resolution No. 130 of 2019

M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 130 of 2019

Subject: **Awarding Bid for the Launch Avenue Emergency Construction - Rebid**

Introduced by: **Councilmen Dill and Toto**

WHEREAS, on June 25, 2019 the City of Somers Point received bids for the Launch Avenue Emergency Construction– Rebid; and

WHEREAS, Arthur Henry, Inc. of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Arthur Henry, Inc. of Egg Harbor Township, New Jersey in the amount of \$466,666.00.

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

- 1.) The Contract for the Launch Avenue Emergency Construction – Rebid is hereby awarded to Arthur Henry, Inc. of Egg Harbor Township, New Jersey in the amount of \$466,666.00 subject to the review and approval on NJDOT Local Aid.

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- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arthur Henry, Inc., signing on behalf of the City.

Resolution No. 131 of 2019

M/S-Toto/Gerety

The resolution was adopted by unanimous vote of those present with Council President McGuigan and Councilman Dill recusing themselves.

Council President Pro Tempore Tapp conducted this portion of the meeting.

No. 131 of 2019

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Personnel

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, 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 June 27, 2019 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.

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the

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public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

A discussion related to the Police Department, specifically, related to the position of Chief of Police.

WHEREAS, the length of the Executive Session is estimated to be approximately 40 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 # 8	Following the Executive Session.	Formal Action taken by City Council.

Resolution No. 132 of 2019

M/S-Toto/Gerety

The resolution was adopted by unanimous vote of those present.

No. 132 of 2019

Subject: Purchase of Police Cars Using State Contract

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Introduced By: Councilman Gerety

Whereas, the City of Somers Point, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the

State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the City of Somers Point has the need on a timely basis to purchase goods or services utilizing State Contract T-2776; and

Whereas, the City of Somers Point intends to enter into a contract with Hertrich Fleet Services, Inc. of Milford, Delaware, through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the State Contract.

Now, Therefore, Be It Resolved that the City Council of the City of Somers Point authorizes the City Administrator to purchase six (6) 2019 Dodge Charger Police Sedans, pursuant to all conditions of State contract #A88729 (T2776) and Hertrich Fleet Services, Inc. proposal #04302019-01 for the sum of \$26,425.80 per vehicle (\$158,554.80 total); and

Be It Further Resolved that this purchase shall be completed through a lease with option to purchase of three (3) annual payments of \$56,911.43 as authorized by N.J.S.A. 40A:11-15(7) with Ford Credit Municipal Finance of Dearborn, Michigan, for a total amount financed of \$159,099.80, which includes the total purchase price plus \$545.00 underwriting fee and at an APR of 7.50%, subject to the availability and annual appropriation of sufficient funds as per N.J.A.C. 5:34-3.3(d). The total of the lease payments will be \$170,734.29 and \$1.00 will be paid for each vehicle at the end of the lease to complete the purchase.

Resolution No. 133 of 2019

M/S-Toto/Gerety

Councilman Meischker voted no and Councilman D'Adamo voted no.

The resolution was adopted by a majority of votes of those present.

No. 133 of 2019

Subject: Zoning Board Appointments

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 27, 2019**

Introduced by: Councilman Tapp

WHEREAS, Council wishes to appoint Janice Johnson with a term expiring December 31, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows:

MEMBER	EXPIRATION OF TERM
Robert Marshall	Dec. 31, 2020
Joseph Craddock	Dec. 31, 2020
Shawn Rowan	Dec. 31, 2021
Guy Salani	Dec. 31, 2022
Robert Gannon	Dec. 31, 2022
Mike Kedziora	Dec. 31, 2019
Paul Huber	Dec. 31, 2019
Alternates:	
Janice Johnson	Dec. 31, 2019
Vacant	Dec. 31, 2020

Resolution No. 134 of 2019

M/S-Gerety/Tapp

The resolution was adopted by unanimous vote of those present.

Councilman Dill questioned if there was a resume, or if there was a recommendation from EDAC. Councilman Gerety mentioned that EDAC had made the recommendation of appointment. Councilman Dill requested that resumes be forwarded to City Council before City Council meetings.

No. 134 of 2019

**Resolution Appointing Members to the Economic Development
Advisory Commission**

REGULAR MEETING MAYOR AND CITY COUNCIL June 27, 2019

Introduced by: Councilman Dennis Tapp and Councilman Kirk Gerety

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, Somers Point City Council ratified in Chapter 20-3 of the City Code that the Economic Development Advisory Commission shall consist of not less

than nine nor more than 12 regular members, all appointed by City Council, and all members shall have a term of office of three calendar years, or such lesser period of time as may be caused by the date of appointment, with terms expiring at 11:59 p.m., December 31 of each calendar year. Appointments shall be staggered such that not less than three appointments expire each year, and each year at least three members are to be appointed to full three-year terms.

WHEREAS, City Council wishes to appoint Dermont Lloyd with a term expiring December 31, 2021

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>
Mary Jane Bolden	December 31, 2021
Glenn Monroe	December 31,
2020	
Greg Sykora	December 31, 2020
Bob Marshall	December 31, 2020
Brenda Klock	December 31, 2019
Sue Seckinger	December 31, 2019
Ron Ralston	December 31, 2019
Levi Fox	December 31, 2019
Anthony Guldin	December 31, 2021
Janice Johnston	December 31, 2020
<u>Advisory ExOfficio Member(s)</u>	<u>Expiration of Term</u>
Dermont Lloyd	December 31, 2021
John Davidson	December 31, 2021

Resolution No. 135 of 2019

M/S-Toto/Gerety

Council President McGuigan and Councilman Dill recused themselves.

Council President Pro Tempore Tapp conducted this portion of the meeting.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 27, 2019**

The resolution was adopted by unanimous vote of those present.

No. 135 of 2019

Subject: 2019 Salary of the Confidential Secretary to the Police Chief

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, Kate MacKenzie was appointed to the full-time position of Confidential Secretary to the Police Chief effective March 1, 2015; and

WHEREAS, since her appointment in 2015, the demands of this position have increased in complexity due to changes within the department including, but not limited to, the bail laws, the administration of the open public records act, and the diversity and frequency of departmental public relations activities; and

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that, effective beginning July 1, 2019, the annual salary of Kate MacKenzie will be \$40,600.00.

BE IT FURTHER RESOLVED that the annual salary of Kate MacKenzie may be adjusted in the future within the guidelines of the Annual Salary and Wage Ordinance of the City of Somers Point.

Resolution No. 136 of 2019

M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.

Councilman Dill stated that the promotions this evening were recommended by Department Head, City Administrator, Budget Committee and the Personnel Committee.

No. 136 of 2019

Subject: Promotion of Maureen Dewees-Cahn

Introduced By: Councilmen Dill, Toto and Meischker

**REGULAR MEETING
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WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Maureen Deweese-Cahn has performed the duties of Clerk in the Public Works Department since September 12, 2016; and

WHEREAS, the Superintendent of Public Works and the City Administrator have recommended that Maureen Deweese-Cahn be promoted; and

WHEREAS, adequate funds are available within the Public Works Department operations in the 2019 budget for this promotion.

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

- 1.) The promotion of Maureen Deweese-Cahn to the position of Keyboarding Clerk 2, New Jersey Civil Service Local Government Job Specification 03256@, within the Public Works Department is hereby approved effective July 1, 2019, on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective July 1, 2019 the salary of Maureen Deweese-Cahn will be in accordance with the designation of Account Clerk/Typist 4, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 137 of 2019

M/S-Meischker/Gerety

The resolution was adopted by unanimous vote of those present.

No. 137 of 2019

Subject: Promotion of Brianna McNair

Introduced By: Councilmen Dill, Toto and Meischker

**REGULAR MEETING
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WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Brianna McNair has performed the duties of Clerk in the Finance Department since October 9, 2014; and

WHEREAS, the City Administrator has recommended that Brianna McNair be promoted; and

WHEREAS, adequate funds are available within the Finance Department operations in the 2019 budget for this promotion.

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

- 1.) The promotion of Brianna McNair to the position of Keyboarding Clerk 2, New Jersey Civil Service Local Government Job Specification 03256@, within the Finance Department is hereby approved effective July 1, 2019, on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective July 1, 2019 the salary of Brianna McNair will be in accordance with the designation of Account Clerk/Typist 4, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 138 of 2019

M/S-Toto/Dill

The resolution was adopted by unanimous vote of those present.

No. 138 of 2019

Subject: Correction of Tax Collector's Term of Office

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, by Resolution No. 218 of 2014 the City of Somers Point appointed Lisa A. King to the position of Tax Collector; and

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WHEREAS, the term of office indicated in Resolution No. 218 of 2014 was from January 1, 2015 through December 31, 2020; and

WHEREAS, N.J.S 40A:9-142 specifies that the term of office of a Tax Collector shall be for a term of four years from the first day of January next following appointment; and

WHEREAS, the term of office of Lisa A. King is actually four years from January 1, 2016, that being the first day of January next following her appointment on January 1, 2015, and, therefore, her term of office expires December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the term of office of Lisa A. King is hereby recognized to correctly reflect being effective January 1, 2015 for a term which will expire December 31, 2019.

Resolution No. 139 of 2019

M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.
Council President McGuigan and Councilman Dill recused themselves.
Council President Pro Tempore Tapp conducted this portion of the meeting.
The resolution was adopted by unanimous vote of those present.

No. 139 of 2019

Subject: Promotion of Amanda Forshaw

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Amanda Forshaw has performed the duties of Clerk in the Police Department since September 12, 2016; and

WHEREAS, the Acting Police Chief and the City Administrator have recommended that Amanda Forshaw be promoted; and

WHEREAS, adequate funds are available within the Police Department operations in the 2019 budget for this promotion.

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

- 1.) The promotion of Amanda Forshaw to the position of Clerk 2, New Jersey Civil Service Local Government Job Specification 03247, within the Police Department is hereby approved effective July 1, 2019, on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective July 1, 2019 the salary of Amanda Forshaw will be in accordance with the designation of Account Clerk/Typist 4, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 140 of 2019

M/S-Meischker/Gerety

The resolution was adopted by unanimous vote of those present.

No. 140 of 2019

Subject: Promotion of Emerald Hornig

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, it is the policy of the City of Somers Point to advance employees in accordance to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Emerald Hornig has performed the duties of Clerk in the City Clerk Department since September 12, 2016; and

WHEREAS, Emerald Hornig has completed all necessary coursework and successfully completed the New Jersey Registered Municipal Clerk examination; and

WHEREAS, the City Clerk and the City Administrator have recommended that Emerald Hornig be promoted; and

WHEREAS, adequate funds are available within the Finance Department operations in the 2019 budget for this promotion.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 1.) The promotion of Emerald Hornig to the position of Clerk 2, New Jersey Civil Service Local Government Job Specification 03247, within the City Clerk Department is hereby approved effective July 1, 2019, on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.
- 2.) Effective July 1, 2019 the salary of Emerald Hornig will be in accordance with the designation of Account Clerk/Typist 4, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 141 of 2019

M/S-Meischker/Gerety

The resolution was adopted by unanimous vote of those present.

No. 141 of 2019

Subject: Promotion of Jenna A. Salani

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, the appointment of Jenna A. Salani to the position of Deputy Municipal Court Administrator was approved effective June 22, 2016 and confirmed by the New Jersey Civil Service Commission on February 2, 2017; and

WHEREAS, the Court Administrator and the City Administrator have recommended that Jenna A. Salani be promoted; and

WHEREAS, adequate funds are available within the Municipal Court Department operations in the 2019 budget for this promotion.

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

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- 1.) Effective July 1, 2019 the salary of Jenna A. Salani will be in accordance with the designation of Deputy Court Administrator 2, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 142 of 2019

M/S-Meischker/Dill

The resolution was adopted by unanimous vote of those present.

No. 142 of 2019

Subject: Promotion of Meghan Dilks

Introduced By: Councilmen Dill, Toto and Meischker

WHEREAS, it is the policy of the City of Somers Point to advance employees in according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

WHEREAS, Meghan Dilks has performed the duties of Clerk in the Tax Collection Department on a part time basis beginning in 2006 and a full time basis beginning October 1, 2012; and

WHEREAS, the Tax Collector and the City Administrator have recommended that Meghan Dilks be promoted; and

WHEREAS, adequate funds are available within the Tax Collection Department operations in the 2019 budget for this promotion.

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

- 1.) Effective July 1, 2019 the salary of Meghan Dilks will be in accordance with the designation of Account Clerk/Typist 2, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 143 of 2019

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M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.

No. 143 of 2019

Subject: Acceptance of Bid Authorizing the Sale of a Perpetual Easement Over a Portion of Block 1716 and Portion of Lot 5 as Shown on the Tax Map of the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, on May 13, 2019, the City of Somers Point received a bid for the sale of a perpetual easement over a portion of Block 171, and Portion of Lot 5 as shown on the tax map of the City of Somers Point; and

WHEREAS, Joseph Wasikowski on behalf of Centre Street Storage, LLC, of Longport, New Jersey was the highest bidder and submitted a check in the amount of 10% of the purchase price of \$500.00; and

WHEREAS, the City Administrator's Office has recommended that the City authorize the sale of said real estate to Centre Street Storage, LLC, in the amount of \$500.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Authorization is hereby given to accept the bid of Centre Street Storage, LLC. in the amount of \$500.00 according to the terms described in the attached Ordinance 6 of 2019; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to sign all necessary documents on behalf of the City.

Resolution No. 144 of 2019

M/S-Meischker/Dill

The resolution was adopted by unanimous vote of those present.

No. 144 of 2019

Subject: Establishing the Authority of the City of Somers Point to Create Rules and Regulations for the Somers Point Marina

Introduced by: Councilmen Meischker, Dill and D'Adamo

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WHEREAS, The City confirms its intention and declares that City-owned Marina shall be available for use by the public and to provide convenient transient boating slips on a first-come-first-served basis as an accommodation to residents and visitors and to provide a port-of-call for use by patrons frequenting the business and establishments within the City of Somers Point; and

WHEREAS, upon completion of the City's Marina, the City of Somers Point recognizes the need to establish rules and regulations for the safe use of the Somers Point Marina by residents and visitors; and

WHEREAS, The City may from time to time and in its discretion, by resolution of the City Council, promulgate, adopt and/or amend reasonable rules and regulations regarding the use of City-owned Marina.; and

WHEREAS, the City of Somers Point seeks to establish rules and regulation that will facilitate the safe and efficient operation of the City Marina; and

NOW, THEREFORE IT BE RESOLVED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, will adopt the Rules and Regulations for the Somers Point Marina as follows:

- 1.) The City Council adopts the rules and regulations entitled "Rules and Regulations of the Somers Point City Marina" A copy of these rules and regulations are on file in the City Clerk's office.

Resolution No. 145 of 2019

Added by 48 Hour Waiver

M/S-Gerety/Tapp

The resolution was adopted by unanimous vote of those present.

No. 145 of 2019

**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

**REGULAR MEETING
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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 June 27, 2019, 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.”

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

REGULAR MEETING MAYOR AND CITY COUNCIL June 27, 2019

that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

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

Consent Agenda:

None

Old Business:

None

New Business:

None

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 6/19/2019 in the amount of \$10,500.00 and a Bill List dated 6/25/2019 in the amount of \$1,273,370.89.

Public Portion:

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

Payment of Bills:

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M/S – Dill/D’Adamo

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

Recess:

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

Adjournment:

There being no further business to come before Council, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 7/25/2019