

REGULAR MEETING MAYOR AND CITY COUNCIL July 26, 2018

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Council President McGuigan requested everyone to remain standing for a moment of silence for the passing of a Somers Point friend and gentleman, Neil Regina. Roll call was recorded as follows:

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

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, Deputy Clerk Heath and City Solicitor Lafferty
Council President McGuigan welcomed many members from the Somers Point Volunteer Fire Company

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.

Public Portion:

The Public Portion was duly opened for the consideration of Resolutions 132 and 131, and hearing nothing from the public duly closed.

Resolution No. 132 of 2018

M/S - Gerety/Dill

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

Council President McGuigan stated that he gave so much dedication of his life to Somers Point, which no words can thank or repay, and he will be sadly missed. Mayor Glasser stated without a doubt, he was a "rock", someone to look up to and someone to count on. Mayor Glasser shared that he will be truly missed. Councilman Tapp stated that Lee was of a generation where you gave to your country and you gave to your community and agreed that he was a "rock" guiding him through his early years on the Planning Board. Councilman Tapp shared that he was a leader in the community and was a very kind man who cared deeply for his town. He continued to thank the family for being supportive while serving this community for so many years in various organizations. Councilman Gerety explained that by sitting on City Council, he has a wonderful opportunity to meet people that you wouldn't normally meet in your daily life, and sadly can honor those that have passed. Councilman Gerety shared that he looked up to him, he will be sadly missed and there will be a void in our community. Councilman Toto stated that Lee was a man of honor, integrity and wisdom who has helped City Council and residents of the town. Councilman Dill served on the Planning Board with Mr. Crossman who helped him along

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the way. He continued that his service and commitment for this Country and community was far reaching. He offered his appreciation to the family for their sacrifices and support for his extraordinary service to the Fire Department and the Planning Board. Mayor Glasser and Councilman Tapp presented the resolution to the family. Councilman Tapp thanked Fire Chief Sweeney for gathering information about Lee enabling the resolution to be written and notifying the family.

No. 132 of 2018

A Resolution Celebrating the Life of Lionel F. Crossman Who Departed this Life on June 27, 2018

Introduced By: The Mayor and City Council

WHEREAS, the City of Somers Point lost an esteemed citizen, life time member of the Volunteer Fire Company No. 1, Coast Guard veteran, and friend on June 27, 2018, with the passing of Lionel F. Crossman; and

WHEREAS, Lee was born in Ludlow, Vermont, on January 5, 1929, to Irene Hobart Crossman. Lee (or Sonny as his family referred to him) moved to Shirley, Massachusetts, at six months of age where he lived until his high school graduation; and

WHEREAS, Lee joined the U. S. Coast Guard in December of 1948 and attended boot camp in Cape May where he planned to serve four years only. His first duty station as Seaman was at Biddeford Pool, Maine, where he met his sweetheart, Irma. Lee proposed marriage to Irma at the top of a lookout tower in the dark with a flashlight, because he was on duty at the time. They were married in 1951 in a double wedding with their best friends, Pat and Jim Seward. Lee and Irma were married for 64 years and blessed with three children; and

WHEREAS, in August of 1972, Lt. Commander Crossman was assigned as Group Commander at Atlantic City Station. Lee and his family made their home in Somers Point where they proudly resided for 46 years.

WHEREAS, Lee rose through the ranks to Lt. Commander retiring honorably and proudly from the United States Coast Guard base in Philadelphia in 1979. Approximately one year later, he was asked to return to active duty to assist writing the small boat qualification manual. He spent three years in Washington, D.C., before retiring with the distinguished rank of Commander.

WHEREAS, Lee truly was the epitome of a humanitarian by serving the Somers Point Volunteer Fire Company No. 1 as the President, Fire Marshall, Trustee and ultimately as a life-time member. He was the Chief Elf for Santa Claus being raised in the bucket of the tower ladder into the window of the children's floor at Shore Memorial Hospital. He served on the City's Planning Board for over 20 years, the Lions Club, the Elks Club, the American Legion, the Coast Guard Auxiliary, a past member of Mainland High School Band Booster, past Fire Inspector and Emergency Management Coordinator for Somers Point and was a Mason; and

WHEREAS, although Lee Crossman will be sadly missed by his loving family, by this Council and residents of this community, he proudly served this City and inspired people with his leadership and self-sacrifice to benefit this town for 46 years.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Somers Point to honor the memory of Lee Crossman and to officially mourn the passing of the man whose exemplary dedication, leadership, and numerous contributions have made a positive and lasting effect upon our community; and

BE IT FURTHER RESOLVED that certified copies of this resolution be presented on behalf of a grateful City to his three children: Carol, Donna and Carl.

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Resolution No. 131 of 2018

M/S- Dill/Toto

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

Councilman Dill attended a lot of the lacrosse games who played with his grandson, and exclaimed he is one heck of a player. He is respected and appreciated by all the team members while being a team player that cares about everyone of one of the players which is reciprocated by the team. Councilman Toto said it was a pleasure watching him grow up and excel in all areas of his life. He wished him all the best in his studies, playing lacrosse at Georgian Court University and future endeavors. Council President McGuigan congratulated him on his special achievement on being the Number One lacrosse player in area and wished him good luck in college. Councilman Tapp congratulated on his great accomplishment of 49 goals and 39 assists, which proves he is truly a team player.

Mayor Glasser stated that it's an honor that he and his family were present for this meeting. He added that he has accomplished so much, and all of us are very proud you. Mayor Glasser wish him good luck at Georgian Court University. Mayor Glasser and Council President McGuigan proudly presented him with the resolution followed by a round of applause.

No. 131 of 2018

**Recognizing and Honoring Mr. Vincent Giunta
The Press of Atlantic City's Boys Lacrosse Player of the Year – 2018**

WHEREAS, Vincent Giunta has been a lifelong resident of Somers Point and attended the local public schools; and

WHEREAS, Vincent has played lacrosse for many years, an endeavor that takes dedication and hard work in which to excel; and

WHEREAS, Vincent competed for the Mainland Regional High School team and was named as a First Team All-Star in the Cape-Atlantic League; and

WHEREAS, the Mustangs had a historic year, winning their first-ever Cape-Atlantic League Title; and

WHEREAS, Vincent lead the effort with a team high 49 goals and 39 assists; and

WHEREAS, his accomplishments on the field have earned him All American Honors from the U. S. Lacrosse Organization and the honor of being named as the Press of Atlantic City Player of the Year; and

NOW THEREFORE, BE IT RESOLVED, that the dedication and perseverance demonstrated by Vincent Giunta resulted in extraordinary success and reflects his hometown of Somers Point in a positive manner.

BE IT FURTHER RESOLVED, the Governing Body of the City of Somers Point recognizes and honors the achievements of Vincent Giunta.

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ALSO BE IT RESOLVED, that The Mayor and The City Council conveys their congratulations to Vincent and their best wishes to him as he continues his academic studies and lacrosse career at the Georgian Court University this coming fall.

Public Portion:

The Public Portion was duly opened, and after hearing from the public duly closed.

Special Guest:

Lloyd Humphrey, representative of the Multiple Sclerosis Society bike-a-thon, thanked City Council for the opportunity to address them. He mentioned the race will take place September 29th and 30th. He proudly presented a small plaque with a big thank you for allowing the race to come through the town. Last year the race raised \$6 million. Mr. Humphrey continued to thank the residents, the businesses, the police, the first responders and the employees. City Council President McGuigan thanked him and appreciates that the town is a part of such an important fundraiser.

Communications:

None

Mayors Report:

Mayor Glasser reported that the City was required to purchase an AED for the beach, and Atlantic Care graciously donated a large amount to defray costs. There was a presentation made last Friday night at the beach concert.

City Administrators Report:

None

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Solicitors Comments:

None

Committee Reports:

None

Approval of Minutes:

None

Proclamation:

No. 6 of 2018

Subject: Appointing Planning Board Member

WHEREAS, a vacancy exists in the Class II category of the Somers Point Planning Board due to the passing of Lionel Crossman, said term expiring December 31, 2018; and

WHEREAS, in accordance with NJSA 40:55D-23-1, Mayor John L. Glasser, Jr., hereby appoints Michael R. Sweeney in the Class II category with a term expiring December 31, 2018; and

BE IT PROCLAIMED THAT the Planning Board as of this date consists of the following members with the expiration of terms noted:

CLASS I	EXPIRATION OF TERM
Mayor John L. Glasser, Jr.	Term of Office
CLASS II	
Michael R. Sweeney	One (1) Year Term 12/31/18
CLASS III	
Howard Dill	One (1) Year Term 12/31/18
CLASS IV	
Robert Green	December 31, 2019
Brian Cotton	December 31, 2020
Greg Sykora	December 31, 2018
Paul Striefsky	December 31, 2019
John Conover (Alt. No. 1)	December 31, 2020

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David Sharp (Alt. No. 2)

December 31, 2018

The Governing Body duly concurred to waive the 48- hour rule for consideration of Resolution No. 133 and Ordinance 12.

Ordinances:

No. 8 of 2018

Second Reading/Public Hearing/Adoption

M/S – Gerety/Toto

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

Councilman Dill questioned what brought about the ordinance change. Wes Swain, City Administrator, explained there was required language for compliance with the stormwater report.

No. 8 of 2018

An Ordinance of the City of Somers Point, County of Atlantic, New Jersey Amending Chapter 120 of the Code of the City of Somers Point by Adding Article IX Concerning the Feeding of Wildlife.

Be it ordained by the City Council of the City of Somers Point as follows:

SECTION I. Purpose

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Somers Point, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

SECTION III. Prohibited Conduct

- a. No person shall feed, in any public park or on any other property owned or operated by City of Somers Point, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

SECTION IV. Enforcement

- a. This ordinance shall be enforced by the Police Department of the City of Somers Point.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00.

SECTION VI. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Ordinance No. 9 of 2018

Second Reading/Public Hearing/Adoption

There was not a second reading or adoption; however, an amendment was duly adopted.

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The public hearing is as follows:

Council President McGuigan motioned and Councilman Dill seconded and carried that the City will pay the \$50 fee if it passes, if it fails then the business will pick up the \$50 fee. This amendment will need to be advertised.

The engineer and both sewer employee operators are present to answer questions. City Council President McGuigan explained that City Council will consider this ordinance that will allow the

City to test the sewer discharge of businesses which includes the level of grease, which complies with the requirements of the Atlantic County Utilities Authority (ACUA). The engineer did not find any grants to assist the City.

Walter Gregory of 25 Broadway- thanked the Governing Body for giving him the opportunity to speak and expressed his concern regarding the D section reserve right to take samples and send to ACUA for testing and charge the owner. Mr. Gregory suggested the town pay for all sample tests, and if there were a problem, then the business should pay. Another concern is the design installation and the difference between grease trap and interceptor. He added that some properties are built in the historic district and the property lines are on the sidewalks, which could be very costly. Mr. Gregory questioned if the City had ever been fined or sited. He mentioned that grease traps are more manageable than an interceptor and feels that the cost is being shifted to restaurants, and he opines that it is a tax on business. Councilman Dill mentioned that the ordinance is more for prevention and not a tax. Council President McGuigan recommended that the City will pay the \$50 fee if it passes, if it fails then the business will pick up the \$50 fee. This amendment will need to be advertised.

No. 9 of 2018

**An Ordinance of the City of Somers Point, County of Atlantic,
New Jersey Amending the Rules and Regulations of the Somers Point Sewer Utility as
adopted by Paragraph 212-18 of the Code of the City of Somers Point**

WHEREAS, it is the City's intention to eliminate or substantially minimize situations where there are blockages or spills from the sanitary sewer system due to devices that are not functioning properly; and

WHEREAS, the Somers Point Sewer Utility recognizes that changes to the policies and procedures that relate to Grease Traps, Interceptors and other Pretreatment Devices connected to the Somers Point Sewer System may substantially reduce fats, oils, and grease effluents in the system;

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NOW THEREFORE IT IS HEREBY ORDAINED by the City Council of the City of Somers Point as follows:

SECTION 1. Purpose

Paragraph 212-18 is hereby amended to add subparagraph 218-18.B as follows:
Chapter VIII of the Rules and Regulations of the Somers Point Sewerage Authority are amended to add Item (L) titled, "Policies and Procedures for Grease Traps, Interceptors and other Pretreatment Devices"

SECTION 2. Severability

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

SECTION 3. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Ordinance No. 10 of 2018

First Reading/Introduction

M/S – Tapp/Toto

Councilman Meischker recused himself from voting.

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

No. 10 OF 2018

**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, 2018:

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

Position

From:

To:

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Account Clerk Typist	23,400	50,200
Bookkeeper	23,400	50,650
City Administrator	60,000	149,810
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	29,550
Clerk Typist/Matron	23,400	52,250
Chief Financial Officer	5,000	25,000
Construction Official	40,000	61,400
Court Administrator	40,000	82,570
Department of Public Works Worker	24,500	67,750
Department of Public Works Work Leader	48,000	75,600
Deputy City Clerk/Deputy Registrar	30,000	48,500
Deputy Court Administrator	28,400	54,500
Deputy Tax Collector	28,400	53,850
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 2 years	33,300	36,600
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	151,000
Principal Manager of Public Works	60,000	93,150
Superintendent of Public Works	60,000	93,150
Asst. Supervisor of Public Works	40,000	75,500
Tax Assessor	40,000	81,400
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	69,100
Confidential Asst. to the City Administrator	22,000	66,400
Confidential Asst. to the City Administrator – Account Clerk	22,000	66,400
Confidential Asst. to the City Administrator – Senior Account Clerk	66,400	67,728
Deputy City Administrator, during first calendar year	66,400	67,728

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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	12,100
Qualified Purchasing Agent	1,200	18,000
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	30,600

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	per inspection	10.00 25.00
Construction Official	per inspection	10.00 25.00
Temporary UCC Sub-code Official	per inspection	10.00 25.00
Zoning Code Enforcement Officer	per hour	10.00 20.00
Asst. Code Enforcement Officer		2,500 6,000
Asst. Code Enforcement Officer	per hour	10.00 25.00
Clerk-Typist	per hour	9.00 20.00
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	per hour	9.00 20.00

Police Department

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Dispatcher	per hour	9.00	20.00
School Traffic Guard	per day	27.00	48.00
Special Officer	per hour	11.00	25.00
Data Processing Clerk	per hour	9.00	16.00
Clerk Typist	per hour	9.00	16.00

Recreation

Summer Recreation Coordinator	per hour	10.00	25.00
Lifeguard	per hour	9.00	16.00
Recreation Workers	per hour	9.00	40.00
Boat Ramp Attendant	per hour	9.00	15.00
Program Instructor	per hour	9.00	35.00

Public Works Department

Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	9.00	18.00
Recycling Coordinator		200	800
Public Works/Sanitation Workers	per hour	9.00	18.00
Public Works Secretary	per hour	9.00	16.00
Parking Lot Attendant	per hour	9.00	15.00
Waste Water collection System Operator		5,000	12,350
Custodian	per hour	9.00	16.00

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	per hour	9.00	22.00
Municipal Alliance Coordinator		500	1,800
Safety Coordinator	per hour	19.00	25.00
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	23,000
Temporary Court Clerk	per court session	60.00	100.00

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

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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. 11 of 2018

First Reading/Introduction

M/S – Toto/Gerety

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

Ordinance No. 11 of 2018

An Ordinance Amending Chapter 114, Article XIX to Establish Sign Regulations for the Special Hospital Classification Zoning District 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 XIX- Special Hospital Classification, which provided for, *inter alia*, development regulations, including but not limited to, design and area requirements for the Special Hospital Classification area; and

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WHEREAS, in the judgment of the City Council for the City of Somers Point, it is in the public interest for the Special Hospital Classification article to be amended to include sign regulations for the district.

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. **§114-117.1, Design and Area Requirements, is hereby amended to read as follows:**

§114-117.1, Design and Area Requirements

- A. [There are no changes to existing § 114-117.1A]
- B. [There are no changes to existing § 114-117.1B]
- C. [There are no changes to existing § 114-117.1C]
- D. [There are no changes to existing § 114-117.1D]
- E. [There are no changes to existing § 114-117.1E]
- F. [There are no changes to existing § 114-117.1F]
- G. Sign Regulations.

Signs shall conform to the standards set forth in § 114-52 (HC-1 Highway Commercial-One District).

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.**

- A. This Ordinance shall take effect upon final passage and publication pursuant to law. Violations and penalties will go into effect six (6) months after date of adoption.

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Ordinance No. 12 of 2018

First Reading/Introduction

M/S – Tapp/Toto

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

Ordinance No. 12 of 2018

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1715, LOT 5 ON THE TAX MAP OF THE CITY OF SOMERS POINT AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE CITY OF SOMERS POINT, COUNTY OF

ATLANTIC AND STATE OF NEW JERSEY AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the City of Somers Point, County of Atlantic and State of New Jersey, is the owner of certain land hereinafter described; and

WHEREAS, in the judgment of the City Council of the City of Somers Point, said land is of no further use for public purpose and is not needed for public use and should be disposed of in accordance with the statute in such case made and provided, N.J.S.A. 40A:12-13(b), by private sale to the contiguous property owners; and

WHEREAS, said land is without any capital improvement and less than the minimum size required for development and is being offered at a minimum price which is equal to its fair market value.

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. That authorization is hereby given to solicit bids from the contiguous property owners for the land and premises described as follows:

<u>BLOCK</u>	<u>LOTS</u>	<u>MINIMUM VALUE (BID)</u>	<u>LOCATION</u>	<u>ZONE</u>	<u>LOT SIZE</u>
1715	5	\$74,500	829 Centre Street	HC-1	7500 sf

and listed in the Notice of Sale hereinafter mentioned, at **PRIVATE SALE** to the highest bidder of the contiguous property owners which bids shall be submitted, in writing, to the City Clerk, as designee of this Governing Body, in writing and on forms prepared by the City for a period of twenty (20) days from the date of publication of the passage of this Ordinance pursuant to N.J.S.A. 40A:12-13. All bids shall be submitted in a sealed envelope. No offer less than the minimum value set forth above for said property shall be considered by the City Council.

SECTION 2. In the event that there are bids by more than one (1) contiguous property owner with respect to said property, the sale shall be made, if at all, to the highest bidder. All bids shall be submitted in the same manner and under the same conditions as set forth within Section 1.

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SECTION 3. The City Council of the City of Somers Point reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The City of Somers Point reserves the right to add any conditions to the sale of this property prior to acceptance of bids. If the successful bidder defaults on any condition imposed, Title to the property shall immediately and without further action revert back to the City of Somers Point and all funds paid to the City of Somers Point shall be retained by the City of Somers Point.

SECTION 5. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a Certified Check made payable to the “City of Somers Point” in the amount of TEN PERCENT (10%) of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FIVE HUNDRED ELEVEN DOLLARS AND FIFTY-SIX CENTS (\$511.56) to cover
- (b) advertising, legal and recording fees shall be paid in cash or Certified Check within ten (10) days after City Council accepts the bid and authorizes the sale to the high bidder.
- (b) The Deed prepared of behalf of the City of Somers Point shall not be tendered until the full purchase price is paid.
- (c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the City of Somers Point to the land, as described herein. No warranties and covenants are or shall be made by the City of Somers Point and in no event shall there be any liability on the part of the City by reason thereof. The City of Somers Point makes no warranties or representations regarding any condition of the property including, but not limited to, environmental or cosmetic conditions of the property. The successful bidder shall be solely responsible for any and all expenses related to the property including, but not limited to, environmental clean-up costs that may be necessary. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:
 - (1) Easement of utility companies and of governmental agencies or bodies.
 - (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
 - (3) All existing Federal, State, County and Municipal laws, statutes, ordinances, rules and regulations including, by way of description and not by limitation, existing zoning, health and planning board rules and regulations.
 - (4) No representation of any kind is made that the land, in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
 - (5) No representation of any kind is made concerning gas or electric service to the land.

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(d) In the event that the City cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the City will not be responsible or liable in any other manner and for any other amount.

(e) In the event that the purchaser defaults in making payment to the City, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchaser will be retained by the City as and for its liquidated damages, and the land may be resold. This remedy shall be in addition to the City's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

(f) That the purchaser, for himself, his heirs, personal representative, successors and assigns, waives any possible exemption from taxes and assessments, and interest and other lawful charges thereon by reason of the ownership of the premises by the City of Somers Point prior to sale, and that the said premises shall be liable for and subject to the same manner and under and subject to all lawful charges thereon, as well as the tax liens and tax sale, as real estate not municipally owned.

(g) No bids shall be accepted from any owner of property in the City of Somers Point for which any real estate taxes or municipal charges are due and unpaid at the time of sale.

(h) The Deed shall contain the condition and agreement by Buyer and Seller that the purchase price of the property or any information involved in its determination shall not be used as evidence in any appeal of municipal taxes for this or any other property.

(g) The purchaser is given the right herein to withdraw their bid at any time within ONE HUNDRED EIGHTY (180) DAYS of acceptance of the successful bid in the Office of the City Clerk. In the event that the successful bidder exercises this right and withdraws their bid as aforesaid, the purchaser will be entitled to the return of the deposit less costs to the city of FIVE HUNDRED ELEVEN DOLLARS AND FIFTY-SIX CENTS (\$511.56), without interest, and the City will not be responsible or liable in any other manner and for any other amount.

SECTION 6. Settlement shall be held within ONE HUNDRED EIGHTY (180) DAYS of acceptance of the successful bid in the Office of the City Clerk, to be held in the Office of the City Clerk or in the office of a local title insurance company if at least two (2) days written notice is given by either party to the other. If the day fixed is on a Sunday or other holiday, settlement shall be made on the next business day. The City Solicitor may, for good cause shown and in their sole discretion, extend the time of the settlement for a reasonable period. At settlement, the balance of the purchase price shall be tendered in the form of cash, Certified Check or Cashier's Check. Time is of the essence.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect upon its final passage and publication as provided by law.

Resolutions:

Public Portion on Resolutions:

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

Resolution No. 124 of 2018

M/S-Gerety/Toto

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

No. 124 of 2018

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

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 was received a grant of \$125,000.00 for the NJDEP Coastal Resiliency Grant Program and included that revenue and appropriation in the 2016 budget; and

WHEREAS, the City of Somers Point has now received an amendment to the grant agreement that provides additional funding for this project in the amount of \$60,309.00, and wishes to amend its 2018 budget to include this amount of \$60,309.00 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 2018 in the sum of \$60,309.00 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:

NJDEP Coastal Resiliency Grant Program	\$60,309.00
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pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$60,309.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

NJDEP Coastal Resiliency Grant Program	\$60,309.00
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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. 125 of 2018

M/S- Gerety/Toto

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

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No. 125 of 2018

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 \$26,477.71 and wishes to amend its 2018 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 2018 in the sum of \$26,477.71 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:
FY2018 Clean Communities Grant \$26,477.71

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$26,477.71 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
FY2018 Clean Communities Grant \$26,477.71

BE IT FURTHER RESOLVED that this resolution be certified and submitted by the Chief Financial Officer to the Director of Local Government Services for approval.

Resolution No. 126 of 2018

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M/S-Gerety/Toto

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

No. 126 of 2018

Subject: Authorization to Prepare Bids for One Refuse Truck

Introduced by: Councilmen Dill and Toto

WHEREAS, the Governing Body of the City of Somers Point has determined that it is in the best interest of the City to purchase one refuse truck.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator, in conjunction with the Superintendent of Public Works, is hereby authorized to prepare specifications for one refuse truck.

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

Resolution No. 127 of 2018

M/S- Gerety/Toto

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

Councilman Dill mentioned this resolution is for \$188,000 to upgrade the City's sewer system.

No. 127 of 2018

Subject: Awarding Bid for the Pump Station No. 2 Force Main Replacement

Introduced by: Councilmen Dill and Toto

WHEREAS, on July 18, 2018 the City of Somers Point received bids for the Pump Station No. 2 Force Main Replacement project; and

WHEREAS, Kline Construction Co. of Galloway New Jersey was the lowest responsible bidder; and

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WHEREAS, the City Sewer Utility Engineer’s office has recommended that the City award the contract to Kline Construction Co. of Galloway, New Jersey in the amount of \$188,000.00.

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

- 1.) The Contract for the Pump Station No. 2 Force Main Replacement project is hereby awarded to Kline Construction Co. of Galloway, New Jersey in the amount of \$188,000.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Kline Construction Co. signing on behalf of the City.

Resolution No. 128 of 2018

M/S- Gerety/Dill

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

No. 128 of 2018

Subject: Change Order – Contract No. 47 – 2017 Stormwater Repairs

Introduced by: Councilman Dill

WHEREAS, in accordance with Resolution 75 of 2018, Kline Construction Co., Inc. of Galloway, NJ was awarded the contract for the 2017 Stormwater Repairs for the sum of \$208,200.00; and

WHEREAS, two additional Stormwater pipes are failing that were not included in the original scope of work; and

WHEREAS, Kline Construction Co., Inc has agreed to repair these pipes at the unit bid price; and

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

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

Base Contract	\$208,200.00
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Change order 1 (to reflect additional work requested)	\$18,660.00
Revised Contract Amount	\$226,860.00

Total Deduction: \$0 Total Additional: \$18,860.00 Net Change: 8.23%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for 2017 Stormwater Repairs is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 129 of 2018
M/S-Gerety/Toto

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

No. 129 of 2018

Subject: **A Resolution Adopted Pursuant to N.J.S.A. 40A:11-13.2 Rejecting all Bids Received Regarding the Higbee Pier Dredging and Resiliency Embankment Project**

Introduced by: **Councilmen D’Adamo and Dill**

WHEREAS, the City of Somers Point (hereinafter referred to as “City”) is a political subdivision of the State of New Jersey and established under the laws of the State of New Jersey; and

WHEREAS, the City did have developed a plan, design and City Engineer’s cost estimate for a project referred to as the Higbee Pier Dredging and Resiliency Embankment Project (hereinafter referred to as the “Project”); and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et.seq.*, the City did advertise for bids for the performance of work related to the aforesaid Project; and

WHEREAS, the project was re-bid on June 22, 2018 and the lowest bid that was received was from Earthworks, Inc. in the amount of \$794,292.00 and that all other bids received for the Project substantially exceeded this lowest bid; and

WHEREAS, even the lowest bid received substantially exceeded the cost estimate for the Project prepared by the City Engineer for the portion of the work that is to be paid totally by City funds and all bids received are not reasonable as to price for this portion of the work on the basis of cost estimates prepared for the contracting agent prior to advertising therefor; and

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WHEREAS, there currently are insufficient appropriated funds, and funds currently available by grant or otherwise, in order to fully fund the Project; and

WHEREAS, bids for this project had previously been rejected in accordance with Resolution 46 of 2018; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2 the City believes it to be in the best interests of the City to reject all bids received in that they substantially exceed both the cost estimates prepared by the City Engineer for the fully City-funded portion of the work as well as the currently available funding.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that bids received by the City for the Higbee Pier Dredging and Resiliency Embankment Project shall be and are hereby rejected pursuant to N.J.S.A. 40A:11-13.2 for the reasons set forth above.

BE IT FURTHER RESOLVED, that the City Engineer is hereby authorized to prepare plans and specifications for the re-bid of this project and the City Clerk is authorized

to advertise for bids to be received at a time established thereafter in conformance with N.J.S.A 40A:11-1 *et seq.*

Resolution No. 130 of 2018

M/S- Dill/Meischker

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

Wes Swain, City Administrator, mentioned that Mr. Chang is misspelled and should be Mr. Cheng.

No. 130 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Launch Avenue and John Chang Property and Potential Litigation Related Thereto and to also discuss Pending Litigation Entitled Dani Ventures LLC v. Lucy R. Samuelsen, Clerk, and the City of Somers Point, Docket No. ATL-L-001716-18

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

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Session to be held on July 26, 2018, during a public meeting to be held commencing at 7:00 P.M, and

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

1 (7) **Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or 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. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:**

To discuss with Counsel the issues related to Launch Avenue and John Chang property and Potential Litigation, and also to discuss litigation entitled Dani Ventures LLC v. Lucy R. Samuelsen, Clerk, and the City of Somers Point, Docket No. ATL-L-001716-18, matters subject to the Attorney-Client Privilege

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

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

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

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

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Action by Resolution or Order of the Superior Court of State of New Jersey

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

Resolution No. 133 of 2018

M/S-Dill/Toto

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

No. 133 of 2018

A Resolution of the Governing Body of the City of Somers Point of Atlantic County Adopting the Form of the New Jersey Tort Claims Act Questionnaire Required to be Utilized By Claimants For

the Filing of Notices of Tort Claim Against the City of Somers Point In Accordance With the Provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-6 and Designating Qual-Lynx as the Agent for the City of Somers Point to Provide the Questionnaire to All of the Claimants and to Receive the Completed Questionnaire From the Claimants.

WHEREAS, the New Jersey Tort Claims Act, specifically *N.J.S.A. 59:8-6*, provides that a public entity may adopt a form specifying information to be contained in claims filed against a public entity or its employee under the New Jersey Tort Claims Act; and

WHEREAS, the City of Somers Point is a public entity as defined in New Jersey Claims Act; and

WHEREAS, the City of Somers Point has determined that it is advisable, necessary and in the public interest to adopt a form Tort Claims Act Questionnaire in the form attached hereto and made a part of this Resolution; and

WHEREAS, the City of Somers Point has determined that it is in their best interest to designate the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF), Qual-Lynx, as their agent to provide the Tort Claims Act Questionnaire to all of the Claimants and to receive the completed Questionnaire from the Claimants.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Somers Point, assembled at a public session on this 26th day of July 2018, that the attached form of Tort Claims Act Questionnaire be and it is hereby adopted as the official Tort Claim Act Questionnaire in accordance with *N.J.S.A. 59:8-6* for the City of Somers Point; and

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BE IT FURTHER RESOLVED, that all persons making claims against the City of Somers Point, in accordance with the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et seq., shall be required to complete the Questionnaire which is attached as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

BE IT FURTHER RESOLVED, that Qual-Lynx, the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) be and they are hereby designated as the agent for the City of Somers Point to provide the Tort Claims Act Questionnaire to all Claimants and to receive the completed Questionnaire from the Claimants.

Consent Agenda:

None

Old Business:

None

New Business:

City Council President Pro Tempore Tapp called for a motion to approve the Social Affair Permit for the Good Ole Days, which was duly approved.

Councilman Gerety recommended to take the request letter from Liberty and Prosperity into consideration and review it for further consideration at the next City Council meeting, which the majority of City Council duly concurred.

Discussion of Bills:

Administrator Swain reported the following records of payments:

7/2/18	\$9,011.00
7/3/18	\$1,000.00
7/24/18	\$2,560.00;

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and a bill list dated 7/24/18 in the amount of \$1,012,239.44.

Public Portion

The Public Portion was duly opened. After hearing from the public, it was closed.

Payment of Bills

M/S – Tapp/Dill

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

City Council recessed at 8:31 pm briefly and then entered Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 8/23/18