

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 23, 2018**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Roll call was recorded as follows:

Present: Toto, Dill, Gerety, Meischker, Tapp, D’Adamo, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, Deputy City Clerk Heath, City Solicitor Lafferty and members of our Emergency Management Department

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.

Public Portion:

The Public Portion was duly opened for the consideration of Resolutions 147, 134, 151, 137 and 145 and hearing nothing from the public duly closed.

Resolution No. 147 of 2018

M/S- Dill/Gerety

The resolution was adopted by unanimous vote of those present.

City Council President McGuigan stated that it will be difficult to attend functions and not see Neil. He faithfully attended City functions, and will missed by the City, the Office of Emergency Management and certainly by his family. Council President McGuigan stated that he doesn’t know anyone who cared more about the City. Council President proudly stated that the City and the community was blessed to have had him. Mayor Glasser mentioned that it is difficult to find words about Neil, because there is so much to say. The Regina family has been in this town for many years, and he acknowledged the attendance this evening of his brothers, John and Nick. Mayor Glasser fondly reminisced about Neil’s life and all his dedication regarding storms. He concurred with Council President McGuigan that we were truly blessed that Neil Regina was in our lives. Councilman Toto will miss the way he made him laugh and his great sense of humor. Councilman Kirk Gerety stated that he will always remember how he volunteered for the car show and his resiliency throughout his illness. Councilman Gerety stated that he will be missed. With a standing ovation, Mayor Glasser presented Mrs. Peggy Regina with the resolution honoring his life.

No. 147 of 2018

A Resolution Celebrating the Life of Neil Regina who Departed this Life on July 4, 2018

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WHEREAS, the City of Somers Point lost a truly dedicated volunteer and friend when Neil R. Regina answered his final call on July 4, 2018; and

WHEREAS, Neil was a lifelong resident of Somers Point and dedicated over four decades of service to his city and the surrounding community; and

WHEREAS, during that time, Neil served in all four Public Safety Units of the City, as a member of the Somers Point Volunteer Rescue Squad (including one year as a Lieutenant), as a member of the Somers Point Volunteer Fire Department as a firefighter and an Emergency Medical Technician, as a Dispatcher in the Somers Point Police Department, and as a member of the Somers Point Office of Emergency Management (including 21 years as Deputy Coordinator); and

WHEREAS, Neil also belonged to several service groups, he was past Commander of the Sons of the American Legion Squadron #352 of Somers Point, past Chief of Security at the Good Old Days Festival, and a founding member and past board member of the Jerry Regina Legacy Foundation; and

WHEREAS, Neil Regina exemplified the true spirit of dedicated Public Service and served as a role model for those who are willing and able to support their fellow citizens and their local government; and

WHEREAS, Neil will be sadly missed by his loving family, by this Council, and residents of this community, we are better for having known him during his time on this earth and today we wish to celebrate him.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point to honor the memory of Neil Regina and to officially mourn the passing of the man whose 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 loving wife, Peggy, and his brothers, Nicholas and John.

Resolution No. 134 of 2018

M/S- Dill/Toto

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

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Council President McGuigan stated that he was very proud that a City employee would go to that extent, and we are very proud of him. Mayor Glasser commended Edwin for his heroic actions and thanked him. Councilman Gerety said this is a very proud moment for our City and added that he is very proud of what he has done and thanked him. Councilman Toto was very grateful and mentioned his family must be very proud of him. Council President McGuigan also acknowledged Sydney Somers. Mayor Glasser proudly presented Edwin with a resolution of appreciation, which was received with a standing ovation.

No. 134 of 2018

**COMMENDING SOMERS POINT BOAT RAMP ATTENDANT
EDWIN SIERRA-GARCIA**

WHEREAS, on August 3, 2018, Edwin Sierra-Garcia was at John F. Kennedy Park performing his duties as a boat ramp attendant; and

WHEREAS, he heard two people yelling for help from the Great Egg Harbor Bay; and

WHEREAS, he immediately ran down to the water, took off his shirt and shoes, and pulled two people from the water who couldn't swim; and

WHEREAS, while performing this heroic task, he cut his foot and needed fourteen stitches; and

NOW THEREFORE, IT IS HEREBY RESOLVED that the Mayor and City Council recognize and exceedingly thank Edwin Sierra-Garcia for his quick thinking, as well as his caring and compassionate actions, by going above and beyond to save two lives; and

It is further **RESOLVED** that we commend our Boat Ramp Attendant, Edwin Sierra-Garcia for his heroic and selfless actions and for the example he set through his dedicated service to our City and to our citizens.

Resolution No. 151 of 2018

M/S- Dill/Gerety

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

Council President McGuigan proudly stated that we have a real Olympic Champion in Somers Point and he extended his congratulations to her and her mother. Mayor Glaser mentioned that Somers Point is proud of her and New Jersey and the United States should be proud also. He congratulated her and wish her continued success in the future. City Councilman Tapp congratulated Tracy and considers himself a pretty good athlete, but not compared to her. He continued that 37 years of her athleticism is an accomplishment itself; but add to the fact all the

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metals she earned is astounding. He congratulated for her dedication and commitment. Mayor Glasser presented the Olympian with the resolution, which was followed by a standing ovation.

No. 151 of 2018

**Resolution of Congratulations for Ms. Tracy Lynn Musarra
New Jersey Representative at the 2018 Special Olympics in Seattle, Washington**

WHEREAS, Tracy Musarra is a resident of Somers Point and attended the area local public schools; and

WHEREAS, Tracy has been working at Stockton University for the past twenty-two years and enjoys dancing, traveling, creating art, listening to Somers Point's Friday night beach concerts and viewing movies; and

WHEREAS, Tracy has been an athletic competitor in the Special Olympics both locally and nationally for 37 years earning countless medals over the years; and

WHEREAS, recently, Tracy joined 60 athletes from New Jersey including 3,500 athletes representing every state at the 2018 USA Special Olympics competing in various sports; and

WHEREAS, Tracy competed in four swimming events earning a gold medal for the 50M breaststroke, a silver medal in the 50M freestyle, a bronze for the 50M backstroke and another gold medal for the 4 X 25 medley team relay; and

WHEREAS, her outstanding accomplishments takes dedication and hard work in which to excel at this advanced level; and

NOW THEREFORE, BE IT RESOLVED, that the commitment to excellence and perseverance demonstrated by Tracy Musarra resulted in extraordinary success and reflects her 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 extraordinary achievements of Tracy Musarra.

ALSO BE IT RESOLVED, that the Mayor and the City Council conveys their congratulations to Tracy and their best wishes in her future endeavors.

Special Guest: Lisa Bender- Executive Director of Patcong Creek Foundation
Council President McGuigan explained that the presentation is relative to Ordinance No. 15 of 2018. Lisa Bender explained one of the goals of the Patcong Creek Foundation is to lease the youth center to establish a seashore science center to educate visitors and residents of our marine life. The Patcong Creek Foundation will reveal cultural, historical, educational and science technology with some hands-on experiences. She indicated the entrance fee and proposed hours of operation. City Council President McGuigan thanked her for her presentation.

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Communications:

Council President McGuigan read a letter from Steven Moran dated August 20, 2018, addressed to Zoning Board Chair Craddock thanking him and the Zoning Board for their guidance and efforts. Additionally, Council President McGuigan read a letter regarding COAH.

Mayors Report:

Mayor Glasser thanked everyone that participated in the National Night Out that was held on the beach. Mayor Glasser extended kudos to Police Chief Boyd and Police Secretary Kate MacKenzie for all their efforts. It was a huge success.

City Administrators Report:

None.

Solicitors Comments:

Mr. Lafferty apologized for being late due to Parkway construction.

Committee Reports:

None

Approval of Minutes:

M/S Dill/Adamo

The regular City Council meeting minutes of 7/26/2018 were approved by unanimous vote.

Resolution No. 137 of 2018

M/S- Meischker/Dill

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

No. 137 of 2018

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**EMERGENCY RESOLUTION AS AUTHORIZED BY
N.J.S.A. 40A:4-46 FOR DOWN PAYMENT ON A LOCAL
IMPROVEMENT- SPECIAL ASSESSMENT BOND
ORDINANCE FOR THE LAUNCH AVENUE PROJECT
WHICH CONSISTS OF THE RECONSTRUCTION OF THE
BULKHEAD AT LAUNCH AVENUE, THE REPAVING OF
LAUNCH AVENUE AND THE EXTENSION OF THE
WATER DISTRIBUTION SYSTEM ON LAUNCH AVENUE**

WHEREAS, an emergency has arisen with respect to the need to fund a local capital improvement authorization for the City of Somers Point, County of Atlantic, State of New Jersey to complete the Launch Avenue Project which consists of the reconstruction of the bulkhead at Launch Avenue, repaving Launch Avenue and the extension of the water distribution system on Launch Avenue and the City desires to adopt a special assessment bond ordinance appropriating the sum of \$750,000 to finance the cost of such improvements; and

WHEREAS, the sum of \$37,500 is the amount of the down payment in the bond ordinance for the project as required pursuant to N.J.S.A. 40A:2-11, which down payment is required to be available by virtue of provision in a previously adopted budget or budgets of the City for down payment for capital improvement purposes; and

WHEREAS, no adequate provision was made in the 2018 budget for the aforesaid purpose as these improvements were unforeseen at the time of adoption of such budget, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this Resolution, is \$37,500, and three (3%) percent of the total operating appropriations in the budget for 2018 is \$428,753.27; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2018.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (with the affirmative concurrence of not less than two-thirds of all the members thereof), **AS FOLLOWS:**

1. An emergency appropriation is hereby made for the down payment required in the special assessment bond ordinance for the Launch Avenue Project in the amount of \$37,500.00.

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2. Said emergency appropriation shall be provided for in full in the 2019 budget, and is requested to be excluded from CAPS, pursuant to N.J.S.A. 40A:4:53.3 c(1).
3. The statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services.
4. Two (2) certified copies of this Resolution shall be filed with the Director of the Division of Local Government Services.
5. This Resolution shall take effect immediately upon adoption, this 23rd day of August, 2018.

Recorded Vote

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
D'Adamo			
Dill			
Gerety			
Tapp			
Toto			
Meischker			
McGuigan			

Resolution No. 145 of 2018

M/S- Dill/D'Adamo

The resolution was adopted by a unanimous roll call vote of those present.
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CITY OF SOMERS POINT
RESOLUTION 145 OF 2018

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2018 was adopted on the 26th day of April, 2018; and,

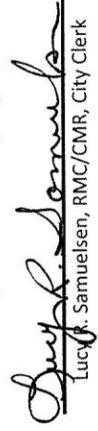
Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore, Be it Resolved, by the City Council of the City of Somers Point County of Atlantic that the following amendment(s) to the capital budget section of 2018 be made:

[[[
RECORDED VOTE (Insert Last Names)	AYES	NAYS
[[[
	ABSTAIN	ABSENT

Be it Further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 23rd day of August 2018.

Certified by me this 23rd day August, 2018

Lucif. Samuelsen, RMC/CMR, City Clerk

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Public Portion:

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

Proclamations: None

Ordinance No. 9 of 2018

M/S – Dill/Toto

Public Hearing Amendment /Adoption

The meeting was duly opened and closed for the amendment with no comment from the public. The ordinance was adopted by a unanimous roll call vote of those present. Councilman D’Adamo questioned the amendment. Wes Swain, City Administrator, explained that the Ordinance wording did not change only the Rules and Regulations that are attached.

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;

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

SECTION 1. Purpose

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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

Second Reading/Public Hearing/Adoption

M/S – Dill/Gerety

The meeting was duly opened and closed with no comment from the public. The ordinance was adopted by a unanimous roll call vote of those present with Councilmen Meischker recusing himself regarding the portion relative to his family member.

**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:
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,		

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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
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

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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
<u>Police Department</u>		
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

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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

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

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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

Second Reading/Public Hearing/Adoption
M/S – Toto/Gerety

The meeting was duly opened and closed with no comment from the public. 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

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.

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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.

Ordinance No. 12 of 2018
Second Reading/Public Hearing/Adoption
M/S – Dill/Toto

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The meeting was duly opened and closed with no comment from the public.
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.

Ordinance No. 13 of 2018

First Reading/Introduction

M/S – Dill/Meischker

Attorney Lafferty explained the process of the local assessment. He indicated that City Council will appoint a Commission to examine the work and view all lands and real estate upon the line

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and in the vicinity that will benefit, and a report will be presented to the Governing Body who may accept, reject or modify the report. Councilman Tapp has an issue with Attachment A, which is a list of property owners that will be directly affected. Regarding Lot 12, Block 1007, the property does not have riparian rights and opines that property should be omitted from Attachment A. Councilman Gerety concurred with Councilman Tapp and motioned to remove the above-mentioned property, seconded by Toto. Councilman Meischker questioned who would guide the Commissioners, and Mr. Lafferty indicated that he will guide the Commissioners. City Council thoroughly discussed Ordinance No. 13 of 2018.

Amendment did not pass to remove the property known as Lot 12, Block 1007 with the roll call vote as follows:

Toto	yes
Tapp	yes
Meischker	no
Gerety	yes
Dill	no
D'Adamo	no
McGuigan	no

The ordinance was adopted by a roll call vote of those present.

Gerety	No
Dill	Yes
D'Adamo	Yes
Meischker	Yes
Tapp	No
Toto	No
McGuigan	Yes

No. 13 of 2018

A LOCAL IMPROVEMENT-SPECIAL ASSESSMENT BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE BULKHEAD, STREET REPAVING AND INSTALLATION OF NEW WATER MAIN AND RELATED APPURTENANCES ON LAUNCH AVENUE, IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 ASSESSMENT BONDS AND NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

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

SECTION 1. Appropriation for Project – Down Payment.

The improvements described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the “City”) as local improvements. For the improvements or purposes described in Section 3(a), there is hereby appropriated the sum of \$750,000, including the sum of \$37,500 as the down payment required the Local Bond Law of New Jersey *N.J.S.A. 40A:2-1*, et seq. (the “Local Bond Law”). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

SECTION 2. Authorization of Bonds and Notes.

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$712,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued in the principal amount of \$712,500, pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Project.

(a) The several improvements hereby authorized and the several purposes of the financing for which the bonds are to be issued consist of the construction of new replacement bulkhead, repaving and reconstruction of Launch Avenue, installation of a new water main, together with all related improvements, appurtenances, work and equipment as required to repair this deteriorated infrastructure and protect the public health, safety and welfare.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The properties affected or specially benefited by the several improvements are identified on the Tax Map of the City of Somers Point as listed on **Attachment A** of this bond ordinance, which list is for informational purposes and is subject to change.

(c) The estimated costs of the improvements or purposes are equal to the amount of the appropriation herein made therefor.

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(d) The aggregate estimated costs of the improvements or purposes to be specially assessed against the real estate which is to be specially benefited thereby are \$750,000.

SECTION 4. Issuance of Notes.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the City's Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of *N.J.S.A. 40A:2-8(a)*. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report shall include the amount, the description, the interest rate and the maturity scheduled of the notes sold, the price obtained and the name of the purchaser.

SECTION 5. Capital Budget.

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

SECTION 6. Special Assessment Notice.

(a) Notice is hereby given to the owners of all lots and parcels of real estate benefited by the improvements described in Section 3(a) hereof and affected by the improvements described herein that the City of Somers Point intends to make and levy special assessments against all such lots and parcels of real estate in an aggregate maximum amount not exceeding \$750,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvements.

(b) If the amount of the special assessments as finally confirmed is less than \$750,000, then the City will contribute the difference between such reduced special

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assessments and the cost of the improvements, such difference to be financed by the issuance of general improvement bonds or notes of the City.

SECTION 7. Additional Matters.

(a) The owner of any land upon which an assessment for the local improvements shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two (2) months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the City and shall be collected in the same manner as provided by law for other past due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the City shall have the right to waive default as many be permitted by law.

(b) The purposes described in Section 3(a) of this bond ordinance are not current expenses. They are improvements that the City may lawfully undertake as local improvements, the cost of which shall be specially assessed on property specially benefited thereby.

(c) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is eighteen (18) years.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the Office of the City Clerk, and a complete executed duplicate thereof has been electronically filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement above shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$712,500 and the obligations authorized herein will be within all debt limitations prescribed by that law.

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(e) An aggregate amount not exceeding \$115,000 for items of expense listed in and permitted under *N.J.S.A. 40A:2-20* is included in the estimated cost indicated herein for the purposes or improvements.

(f) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvements is

eighteen (18) years or the period for which bonds are issued for the improvements authorized by this bond ordinance, whichever shall be less.

SECTION 8. Application of Grants.

Any grant monies received for the purposes described in Section 3(a) hereof shall be applied to reduce the general obligations of the City incurred in connection with the cost of the improvements. When and if such obligations shall be completely retired, any additional monies received shall be applied to reduce the obligations of the specially assessed property owners. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such monies are so used.

SECTION 9. Official Intent to Reimburse Expenditures.

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

SECTION 10. Full Faith and Credit.

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated

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to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 11. Tax Covenant.

The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the bond ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Internal Revenue Code of 1986, as amended (the "Code");

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

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

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

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

SECTION 12. Ratification of Prior Acts

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

SECTION 13. Severability.

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The provisions of this bond ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this bond ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 14. Repeal of Inconsistent Ordinances.

To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 15. Effective Date.

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

Ordinance No. 14 of 2018

First Reading/Introduction

M/S – Meischker/Toto

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

Ordinance No. 14 of 2018

**An Ordinance of the City of Somers Point, County of Atlantic,
New Jersey Amending Chapter 216 of the Code of the City of
Somers Point by Adding Article III Concerning the
Improper Disposal of Waste into the Stormwater System.**

Be it ordained by the City Council of the City of Somers Point that Chapter 216 of the Code of the City of Somers Point is hereby amended to add Article III entitled, “Improper Disposal of Waste Into the Stormwater System,” as follows:

SECTION I. Purpose:

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater into the municipal separate storm sewer system (MS4) operated by the City of Somers Point, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

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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.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by City of Somers Point or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

In addition to any prohibitions delineated elsewhere in this Chapter, the spilling, dumping, or disposal of materials other than stormwater into the municipal separate storm sewer system operated by City of Somers Point is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants into the municipal separate storm sewer system is also prohibited.

SECTION IV. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources, but limited, however, to the capacity of the MS4 system and not to cause flooding of any public or private property or street, boulevard, avenue, road, highway, cul-de-sac, alley or other area of public travel
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:

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- Beach maintenance equipment immediately following their use for their intended purposes; and
- Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean

water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

SECTION V. Enforcement:

This ordinance shall be enforced by the Code Enforcement Official of City of Somers Point.

SECTION VI. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine as set forth in § 216-2.

SECTION VII. 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 VIII. 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. 15 of 2018
First Reading/Introduction
M/S – Dill/Toto

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The ordinance was adopted by a unanimous roll call vote of those present. Councilman Meischker recused himself from voting. Councilman D'Adamo mentioned the term of five years needs to be amended. Attorney Lafferty advised that the date should be changed on the Lease.

No. 15 of 2018

An Ordinance Authorizing the Lease of Real Property Owned by the City of Somers Point to the Patcong Creek Foundation, a New Jersey Corporation Recognized as a Tax Exempt Entity by the United States Internal Revenue Service for a Term of Five Years Upon Certain Conditions and Repealing all Ordinances Heretofore Adopted the Provisions of Which are Inconsistent Herewith.

Whereas, the City of Somers Point, 1 West New Jersey Avenue, Somers Point, New Jersey (the "City") owns a building on lot 12 in block 1016, commonly known as the Eva Anderson Youth Center; and

Whereas, the building has been underutilized; and

Whereas, The Patcong Creek Foundation, 640 Second Street, Somers Point, New Jersey, a New Jersey Non-profit 501 (c) 3 Corporation (the "Foundation") wishes to establish a Seashore Science Center at this location for use by that Foundation (The City and the Foundation being the "Parties") with the purposes of this use being education and recreational for the general public, including residents of the City; and

Whereas, representatives of the City Council Budget Committee have met with representatives of the Foundation to discuss the terms and conditions of the lease of the Property to the Foundation subject to approval of the City Council; and

Whereas, under the authority granted in the New Jersey Local Public Lands and Buildings Law and, more specifically N.J.S.A. 40A:12-14 (c) regulating leases to nonprofit corporations or associations, the City of Somers Point may enter into such a lease agreement upon adoption of an Ordinance; and

Whereas, in consideration for the grant of the Lease the Foundation agrees to pay to the City rental payments in the amount of One Dollar per year or part thereof and to comply with the terms and conditions of a lease agreement which is on file and available for inspection during normal business hours in the office of the Somers Point City Clerk; and

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

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SECTION 1:

The City Administrator is hereby authorized to execute and deliver to the Patcong Creek Foundation a Lease for the term of five (5) years.

SECTION 2:

The form of Lease between the City and the Patcong Creek Foundation shall be substantially in the form filed in the office of the City Clerk and shall be subject to such modification as may be determined by the City Solicitor and City Administrator to be reasonable and necessary.

SECTION 3: During the term of the Lease the Patcong Creek Foundation shall comply with the requirements imposed upon nonprofit lessees by N.J.S. 40A:12-14(c) to annually submit a report to the City Administrator setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and Federal law and that the President of the Foundation and the City Administrator shall be responsible for enforcement of the conditions of the lease.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 16 of 2018

First Reading/Introduction

M/S – Toto/Tapp

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

No. 16 of 2018

AN ORDINANCE ENACTED UNDER AUTHORITY OF N.J.S.A. 39:4-197.6. AND N.J.S.A. 39:4-197.7, GRANTING THE AUTHORITY TO ESTABLISH A RESTRICTED PARKING ZONE IN FRONT OF A RESIDENCE OCCUPIED BY A HANDICAPPED PERSON UNDER

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**CERTAIN CONDITIONS; AMENDING AND SUPPLEMENTING
SECTION 250-50 OF THE SOMERS POINT CITY CODE; AND
REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF
WHICH ARE INCONSISTENT HEREWITH**

WHEREAS, N.J.S.A. 39:4-197.6 authorizes a municipality, by Ordinance, to establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person; and

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a municipality, by Ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code “[Restricted parking zones authorized; conditions](#)” sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and

WHEREAS, a request has been made by Mr. John J. Cooney, Jr., stating the need for a Handicapped Parking Space for his benefit on and within Groveland Avenue, the City street which fronts his 40 Chapman Boulevard, Apartment H-8 residence, Somers Point, NJ; and

WHEREAS, the request did include both the required verified Permanent Disability Parking Placard and Person With A Disability ID issued by the New Jersey Motor Vehicle Commission; and

WHEREAS, the Somers Point Chief of Police has reviewed the request and has determined that the application is in order; and

WHEREAS, the Somers Point City Engineer has reviewed the request and determined the proper placement of the Handicapped Parking space signage; and

WHEREAS, the request and the recommendation of the City Engineer have been reviewed by the Somers Point Police Department Traffic Officer and deemed appropriate and reasonable and will not interfere with the normal flow of traffic.

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

SECTION 1. The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces is hereby amended to designate the following location as

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a Permit Only Handicapped Parking spaces and shall be so marked by sign indicating “Handicapped Parking by Permit Only”, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways:

Name of Street	Location
Groveland Avenue (North)	Directly in front of Apartment H-8 (Sign to be placed 300 feet east of the easterly curbline of Exton Road).

SECTION 2. Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate an area of 25 feet in length in front of the residence of the handicapped person, to be painted as a no-parking zone.

2) A “Handicapped Parking by Permit Only” sign is to be placed alongside the designated area.

3) A permit 5 1/2 inches by 8 1/2 inches in size, bearing an appropriate certification of authenticity shall be issued and shall be placed in the vehicle as required by Code Section 250-57 G.

4) The holder of a City handicapped parking permit must notify the City Clerk immediately if the designated handicapped person changes his residence, changes his vehicle registration number, or if the special vehicle identification card and certificate issued by the Director of Motor Vehicles shall be modified, revoked or expired.

5) The permit shall be issued upon payment of the initial fee and shall be subject to payment of the annual renewal fee in compliance with Code Section 250-57 I.

SECTION 2: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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Resolutions:

Public Portion on Resolutions:

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

Resolution No. 146 of 2018

M/S-Toto/Meischker

Council President McGuigan recused himself and Council President Pro Tempore Tapp called for a motion and second. The resolution was adopted by those present. Councilman Dill recused himself.

No. 146 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Potential Contract Negotiations Related to the Somers Point Superior Officers' Contract

Introduced by: Council President McGuigan

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that one (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 August 23, 2018, during a public meeting to be held commencing at 7:00 P.M, and

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

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

**REGULAR MEETING
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The specific topic to be discussed are issues related to the Somers Point Superior Officers' Contract.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

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

Consent Agenda:

The Resolutions were opened to the Public and duly closed hearing nothing from the Public.

M/S – Tapp/D'Adamo

The Consent Agenda was adopted by a unanimous roll call vote of those present.

Resolution No. 135 of 2018

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 23, 2018**

No. 135 of 2018

**Subject: Extending Contract for Sanitary Sewer Emergency
 Repairs
 and Miscellaneous Maintenance**
Introduced by: Councilmen Dill and Toto

WHEREAS, on June 20, 2017 the City of Somers Point received bids from two contractors for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance; and

WHEREAS, the total amount of the bid was based on specified units and quantities of work multiplied times the bidder's unit prices of labor, material and equipment for various categories of anticipated emergency repairs and miscellaneous repairs to the sanitary sewer system; and

WHEREAS, after applying these calculations, Kline Construction Co., Inc. of Galloway Township, New Jersey was the lowest responsible bidder; and

WHEREAS, an open-end contract was awarded to Kline Construction Co., Inc. that was in effect for a period of one (1) year with the possibility of two (2) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the Sewer Utility Engineer has found their work satisfactory and has recommended that the City accept the first one-year extension to the contract with Kline Construction Co., Inc with an index rate increase of 3% over the 2017-2018 and in the established maximum amount of \$230,390.40.

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

- 1.) Because their services are being performed in an efficient and effective manner, a one-year extension to the Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Kline Construction Co., Inc. of Galloway Township, New Jersey in the maximum amount of \$230,390.40.
- 2.) The City Administrator is hereby authorized to execute any required documents in this regard on behalf of the City.

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Resolution No. 136 of 2018

No. 136 of 2018

**Subject: Submission of a Grant Application TA-2018-Somers Point City-00111 and
Execute a Grant Agreement with the New Jersey Department of
Transportation for the Transportation Alternatives Program**

WHEREAS, the New Jersey Department of Transportation offers federal Transportation Alternatives Program (TAP) funding to projects that foster more livable communities and promote alternative modes of transportation such as biking and walking; and

WHEREAS, special consideration is given to communities that are Transit Villages, Urban Aid communities and municipalities that have adopted Complete Streets policies;

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

WHEREAS, the City of Somers Point wishes to apply for this grant to fund improvements along the Somers Point Bike Path.

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

1. The Governing Body of the City of Somers Point formally supports this Transportation Alternatives Program application TA-2018-Somers Point City-00111.
2. The Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation for the Transportation Alternatives Program on behalf of the City of Somers Point.
3. 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.
4. The Mayor and/or City Administrator are hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

**REGULAR MEETING
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Resolution No. 138 of 2018

No. 138 of 2018

Subject: Authorizing Contract for the FY 2017 and FY 2018 Community Block Grant Program

Introduced by: Councilmen Dill and Toto

Whereas, the City of Somers Point has opted to participate in the Atlantic County Community Development Block Grant (CDBG) Program for FY2017 and FY2018; and

Whereas, as a participant, the City of Somers Point expects to be allocated \$44,400.00 for Fiscal Year 2017 and \$50,230.00 for Fiscal Year 2018 for the project known as Road Reconstruction on Meyran Avenue; and

Whereas, in order to be allocated CDBG funds, the City of Somers Point must enter into an interlocal service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDBG Entitlement Program.

Now, therefore, be it resolved by the City Council of the City of Somers Point as follows:

1. The agreement by and between the Atlantic County Improvement Authority and the City of Somers Point which is attached hereto and made a part hereof is hereby approved.
2. The Mayor and the City Clerk are hereby authorized to sign the attached agreement.
3. The Mayor and/or the City Administrator are hereby authorized to execute any further documents that may be necessary in connection with this grant on behalf of the City.

Resolution No. 139 of 2018

No. 139 of 2018

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

**REGULAR MEETING
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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 \$94,630.00 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 \$94,630.00 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:

FY2017 & 2018 CDBG Reconstruction on Meyran Avenue

\$94,630.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$94,630.00 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:

FY2017 & 2018 CDBG Reconstruction on Meyran Avenue

\$94,630.00

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. 140 of 2018

No. 140 of 2018

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 23, 2018**

Subject: Requesting Change in Title, Text or Amount of Appropriation

Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, N.J.S. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-85, the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to make the following correction in the 2018 budget:

That the appropriation provided for in the approved budget entitled:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Matching Funds

in the amount of \$5,000.00 be reduced by the sum of \$3,760.00 to \$1,240.00

and that an appropriation in the like amount of \$3,760.00 be added to the budget entitled:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance on Drug and Alcohol Abuse City Match

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the municipality for the reasons set forth:

The City provided for the possibility of receiving an additional grant that might require a cash match after the adoption of the 2018 budget by providing a line item "Matching Funds." The amount of the grant and the cash match required for the FY 2019 Municipal Alliance on Drug and Alcohol Abuse grant program are now known after the adoption of the budget. The City has received a grant of \$15,038.00 for the FY 2019 Municipal Alliance on Drug and Alcohol Abuse program, and a municipal cash match of 25%, in the amount of \$3,760.00 is required as a legal provision of the grant. The above correction of this budget appropriation will allow the City to make the necessary cash match.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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Resolution No. 141 of 2018

No. 141 of 2018

Subject: Chapter 159 Resolution
Introduced By: Councilmen McGuigan, 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 has received a grant of \$15,038.00 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 \$15,038.00 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:
FY 2019 Municipal Alliance on Alcoholism and Drug Abuse
Prevention Program \$15,038.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$15,038.00 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:
FY Municipal Alliance on Alcoholism
and Drug Abuse \$15,038.00

**REGULAR MEETING
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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. 142 of 2018

No. 142 of 2018

Subject: Approval to Submit a Municipal Aid Grant Application MA-2019-Somers Point City-00029 And Execute Grant Agreement with the New Jersey Department of Transportation

Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, the New Jersey Department of Transportation is accepting applications for the Municipal Aid Grant Program; and

WHEREAS, \$151 million is appropriated to municipalities; and

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

WHEREAS, this program can be used for road improvement projects such as resurfacing, rehabilitation or reconstruction and signalization; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, 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 by the City Council of the City of Somers Point as follows:

1. The City Council of the City of Somers Point formally approves a grant application for a municipal aid project.
2. The Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2019-Somers Point City-00029** to the New Jersey Department of Transportation.

**REGULAR MEETING
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3. The Mayor and City 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.
4. The Mayor and/or City Administrator are hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

My signature and the Clerk's certification and seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Resolution No. 143 of 2018

No. 143 of 2018

Subject: Approval to Submit a Grant Application Bike-2019-Somers Point City-00014 And Execute Grant Agreement with the New Jersey Department of Transportation

Introduced By: Councilmen McGuigan, Gerety, and Dill

WHEREAS, the New Jersey Department of Transportation is accepting applications for the Bikeway Grant Program; 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 a local match; 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

WHEREAS, the City of Somers Point has adopted a Complete Streets Policy in accordance with the guidelines provided by the New Jersey Department of Transportation; and

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

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1. The City Council of the City of Somers Point formally approves a bikeway grant application.
2. The Mayor and Clerk are hereby authorized to submit an electronic grant application identified as Bike-2019-Somers Point City-00014 to the New Jersey Department of Transportation on behalf of the City of Somers Point.
3. 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.
4. The Mayor and/or City Administrator are hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

My signature and the Clerk's certification and seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Resolution No. 144 of 2018

No. 144 of 2018

**Subject: Submit a Grant Application and Execute a Grant Agreement with the
New Jersey Department of Transportation SST-2019-Somers Point
City-00004**

Introduced By: Councilmen McGuigan, Gerety, and Dill

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.

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as to the New Jersey Department of Transportation.

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

5. The City Council of the City of Somers Point formally approves this Safe Streets to Transit application.
6. The Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2019-Somers Point City-00004 to the New Jersey Department of Transportation.
7. The Mayor and City 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.
8. The Mayor and/or City Administrator are hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

My signature and the Clerk's certification and seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Resolution No. 148 of 2018

No. 148 of 2018

Subject: Authorizing the Discard of Personal Property
Introduced By: Council President McGuigan

WHEREAS, the City of Somers Point is in possession of personal property that is no longer needed for public use because it does not function properly; and

WHEREAS, an effort was made to sell these items at a public auction online through GovDeals.com in accordance with NJSA 40A: 11-36; and

WHEREAS, the efforts to sell the below referenced goods procured a buyer but the buyer was unwilling to take the excess property; and

WHEREAS, the property is specifically described as follows:

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1. Computer/Office Equipment – Tax & Clerk Office

WHEREAS, the condition of this property is such that the cost of repair and/or storage exceeds the value of the property; and

NOW, THEREFORE, BE IT RESOLVED that the City Administrator is hereby authorized to discard this property in the most expeditious manner.

Resolution No. 149 of 2018

No. 149 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 for the third time on August 17, 2018 and the lowest bid that was received was from Wickberg Marine Contracting, Inc. in the amount of \$1,070,280.00 and that the one other bid 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

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

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WHEREAS, bids for this project had previously been rejected in accordance with Resolution 46 of 2018 and Resolution 129 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 Administrator is hereby authorized to negotiate this contract in conformance with N.J.S.A 40A:11-1 *et seq.*

Resolution No. 150 of 2018

No. 150 of 2018

Subject: **Awarding Bid for the 2017 & 2018 CDBG Meyran Avenue**
Introduced by: **Councilmen Dill and Toto**

WHEREAS, on August 21, 2018 the City of Somers Point received bids for the 2017 & 2018 CDBG Meyran Avenue Repaving; and

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

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc. of Mays Landing, New Jersey in the amount of \$317,400.00.

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

- 1.) The Contract for the 2017 & 2018 CDBG Meyran Avenue is hereby awarded to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$317,400.00.

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

Old Business:

None

New Business:

- Richard Somers Day Sponsored by the City and the Historical Society was approved by City Council. Councilman Gerety opines that the Historical Society should run this event annually. The Governing Body concurred.
- Social Affair Christ Episcopal Church on 11/09/2018 from 7-10 PM was approved by City Council with Councilman D'Adamo recusing himself.
- Somers Point Historical Society 50/50 Raffle Fee Waiver was approved by City Council.
- NJ State Firemen's Application for George T. Lafferty III, was approved by City Council.
- Social Affair Permit for Patcong Creek Foundation at Kennedy Park on 9/29/2018 from 10 am-2 pm was approved by City Council with Councilman Meischker recusing himself.

Discussion of Bills:

Administrator Swain reported the following records of payments: of 8/6 for \$20,017.28, of 8/21 for \$2,129,595.19, of 8/21 for \$9,352.95 and a bill list dated 8/21 in the amount of \$1,261,607.12.

Public Portion

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

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Mr. Corbor of Osborne Avenue expressed his concern of his street in need of disrepair. City Engineer, Schneider explained that the City will be going out to bid next week. The Engineer explained that repairs needed to be done to the storm pipe because it was collapsed. He continued to discuss the pipe infrastructure in the City.

The residents of 804, 10th St. expressed their concern regarding flooding of their street. The Public Works Committee will give a recommendation to City Council.

Resident Ed O'Donnell thanked the Governing Body for having a public comment section. He expressed his concerned with funding for trade and vocational schools. s and are clever.

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 9:00 p.m. briefly and then entered Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 9/13/2018