

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 27, 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 Samuelsen, City Solicitor Randy Lafferty

Absent: None

Open Public Meetings Act:

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

Public Portion on Resolution:

The Public Portion was duly opened to consider Resolution No. 171. Hearing nothing from the public, it was duly closed.

Resolution No. 171 of 2018

M/S- Gerety/Dill

The resolution was adopted by unanimous vote of those present. Councilman D’Adamo extended his congratulations to him and his family. He complimented on 176 hours of work to obtain this special rank. Mayor Glasser congratulated him and mentioned that he and the City are very proud of him. Council President McGuigan offered his congratulations and are glad honor his achievements. Mayor Glasser and Councilman D’Adamo proudly presented Derek Barnabei with a resolution that was celebrated with a round of applause and a standing ovation.

No. 171 of 2018

**Recognizing and Honoring Derek Barnabei
for Earning the Rank of Eagle Scout**

WHEREAS, Derek Barnabei started his Boy Scout career as a Tiger Scout with Cub Scout Pack 87 in September of 2009 in Somers Point; and

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WHEREAS, Derek earned Cub Scouting’s highest rank of *Arrow of Light* by earning all 20 activity pins for which he was awarded the *Super Achiever Award*; and

WHEREAS, he then joined Boy Scout Troop 55 of Somers Point in March of 2014 and earned the rank of *First Class Scout* in March of 2015. He continued on to earn *Star Scout* in September of 2015 and *Life Scout* in June of 2016 at the age of 13; and

WHEREAS, he has held several leadership positions during his scouting career, including Patrol Leader, Quartermaster, Den Chief, Troop Guide, and Senior Patrol Leader. Currently he is an instructor for Troop 55; and

WHEREAS, Derek organized and supervised the construction of a Green House for Jordan Road School in March of 2017, this project generated 176 hours of Community Service and currently the Greenhouse is being used by the Science Club to grow plants and vegetables from seed to then be transplanted into the school’s garden; and

WHEREAS, Derek earned the rank of Eagle Scout in June of 2018 at the age of 14, making him one of the youngest scouts to earn Scouting's highest rank; and

WHEREAS, Derek plans to continue on in Scouting until he is 18 years old providing much needed leadership and mentoring for the younger Scouts in his Troop.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Somers Point recognizes and honors the efforts of Mr. Derek Barnabei, Eagle Scout, as an excellent example for other young people to follow.

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

Communications:

None

Mayors Report:

Mayor Glasser mentioned last evening there was a POW/MIA solemn service at Patriot’s Park sponsored by various veteran’s organizations. He stressed to please remember that there is a POW/MIA; namely, Richard Somers, that the Government has failed to bring back home. He thanked Troop # 55, various service organizations and the public for attending. Mayor Glasser

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announced a maritime event hosted by Patcong Creek Foundation that will celebrate a Clamboree at Kennedy Park from 10:00 am to 2:00 pm this weekend including a clam chowder cookoff, clam tossing and other fun activities.

City Administrators Report:

None

Solicitors Comments:

None

Committee Reports:

None

Approval of Minutes:

M/S- D'Adamo/Toto

The Special Emergency Meeting minutes of 9/10/2018 and the Regular City Council Meeting minutes of 9/13/2018 were approved by unanimous vote of those present.

Proclamations:

None

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Public Portion on Resolutions:

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

Resolution No. 167 of 2018

M/S- Gerety/Toto

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

Council President McGuigan thanked them for their service.

No. 167 of 2018

Subject: Hiring School Crossing Guards

WHEREAS, for the 2018-2019 school year there exists a need for the part-time position of School Crossing Guard; and

WHEREAS, in accordance with N.J.S.A. 40A:9-154.1 the Governing Body may appoint adult School Crossing Guards for a term not to exceed one year; and

WHEREAS, the Police Chief of the City of Somers Point has recommended certain individuals for appointment to that position.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following individuals are hereby appointed for a term of one year to the part-time position of School Crossing Guard:

Name	Effective Date of Hire
Evelyn A. Cade-Moore	12/21/98
Mary C. Matricardi	03/01/89
Karen Broomall	08/26/14
Sandra Disciascio	08/26/14
Denise McLaughlin	10/08/07
Mary Parker	08/31/04
Carolyn Primo	12/05/11
Linda Wilson	08/26/14
Paul McLaughlin	11/20/17
Coleen Erbele	8/31/18
Hank Wilhelm	11/16/15
Dana Gold	9/18/18

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Resolution No. 168 of 2018

M/S- Toto/Dill

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

Subject: Change Order #2 – Contract No. 47 – 2017 Stormwater Repairs

Introduced by: Councilmen Dill and Toto

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

WHEREAS, in accordance with Resolution 128 of 2018, City Council of the City Somers Point approved Change Order #1 in the amount \$18,660.00 to make additional stormwater repairs not included in the original scope of the Contract; and

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

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

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

Contract Amount	\$208,200.00
Change Order 1 (for addition Stormwater Repairs)	\$18,660.00
Change order 2 (to reflect as-built quantities)	-\$547.58
Revised Contract Amount	\$226,312.42

Total Deduction: \$547.58 Total Additional: \$18,660.00 Net Change: 8.00%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for 2017 Stormwater Repairs is hereby

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approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 169 of 2018

M/S- Gerety/Toto

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

No. 169 of 2018

Subject: A Resolution Authorizing the Mayor to Execute a Tax Abatement Agreement with 821 Shore Road Associates LLC and DLSN Properties LLC Regarding Block 1714 Lot 5.01 in the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, 821 Shore Road Associates LLC is the owner of the property known as Block 1714, Lot 5.01 as shown on the municipal tax rolls of the City of Somers Point (the "Property"); and

WHEREAS, the City asserts that ad valorem taxes and other assessments are due on the Property; and

WHEREAS, the City is the owner of Tax Sale Certificate 14-00067 as to the Property; and

WHEREAS, the Property has been and continues to be vacant and of no productive use; and

WHEREAS, the City is desirous of seeing that the property is again put to a productive use so that the City will receive the full benefit of the property and so that blight within the City is reduced; and

WHEREAS, 821 Shore Road Associates LLC has proposed to sell the property to DLSN Properties LLC so as to allow DLSN to develop and construct a new commercial business on the Property so as to better utilize the Property which will also serve to benefit the City; and

WHEREAS, the current amount due and owing for ad valorem taxes and other assessments that are due on the Property, inclusive of interest and penalties, are currently in excess of \$92,000.00 and that these amounts are in impediment to the sale and development of the Property; and

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WHEREAS, the City Council for the City of Somers Point has determined, pursuant to N.J.S.A. 54:4-99, that it is equitable, just and in the best interests of the City to abate and adjust the amounts due to the City under Tax Sale Certificate 14-00067 related to the ad valorem taxes and other assessments that are due on the Property in order to facilitate the development of the Property;

WHEREAS, the City Council for the City of Somers Point has directed the Solicitor to negotiate and prepare an Agreement evidencing the terms and conditions of this abatement and adjustment in the form annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the Mayor shall be and is hereby authorized to execute and enter into the tax

abatement and adjustment agreement in the form annexed hereto, which agreement provides for a reduction in the outstanding assessments for municipal taxes, assessments and other municipal charges, including penalties and interest, regarding Block 1714 Lot 5.01 by the sum of THIRTY-TWO THOUSAND DOLLARS (\$32,000.000) upon the terms and conditions of the agreement;

BE IT FURTHER RESOLVED that the Tax Collector for the City of Somers Point is hereby directed to implement the terms of the agreement as set forth therein.

Resolution No. 170 of 2018

M/S- Toto/Dill

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

No. 170 of 2018

Subject: Awarding Contract for Animal Control Services

Introduced by: Council President McGuigan and Councilman Dill

WHEREAS, N.J.S. 4:19-15.16.b directs that each municipality shall appoint a certified animal control officer; and

WHEREAS, requests for proposals for Animal Control Services through a fair and open process, N.J.S. 19:44A-20.5 et seq., were published on September 12, 2018 and one proposal was received for these services from Animal Control Services of South Jersey on or before the deadline of September 25, 2018; and

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WHEREAS, Animal Control Services of South Jersey has, for some time past, served as the certified animal control officer for the City of Somers Point; and

WHEREAS, Animal Control Services of South Jersey is a fully licensed and insured independent contractor, and uses certified animal control personnel who have completed the training required pursuant to N.J.S. 4:19-15.16a.

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

- 1.) The Contract for Animal Control Services is hereby awarded to Animal Control Services of South Jersey of Egg Harbor City, New Jersey in the amount of \$800.00 per month for a period of two years beginning October 1, 2018.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Animal Control Services of South Jersey, signing on behalf of the City.
- 3.) This is an open-end contract that will be in effect for a period of two years with the possibility of one one-year extension if authorized at the sole option of the City, subject to the requirements of N.J.S. 40A11-1 et seq.

Resolution No. 172 of 2018

M/S- Dill/D'Adamo

The resolution was adopted unanimously by those present.

No. 172 of 2018

Subject: **Approving Proposals – Goods and Services 2018**

Introduced By: **Council President McGuigan**

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on April 26th, August 16th, August 31st, September 20th, and September 25th, 2018 are approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of

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January 1, 2018 through December 31, 2018:

- a) **Influent Grinders for Sewer Pump Stations**
Watermark
Deltronics Corp.
Municipal Maintenance Co

- b) **City Hall Custodial Services**
Action Janitorial
Home and Office Cleaning (HOC)

- c) **Cellular Communications and Mobile Services**
Verizon Wireless

- d) **Emergency Sewer Pumps and Equipment**
Municipal Maintenance Co
Godwin/ Xylem

- e) **Sewer Pump Station Maintenance**
Deltronics Corp
Municipal Maintenance Co.
A.C. Schultes

- f) **Sewer Pump Stations, Electrical & Electronics**
Municipal Maintenance Co.
Deltronics Corp.

- g) **Sewer Pump Station Parts & Supplies**
Watermark
Deltronics Corp.
Excelsior Blower Systems
Municipal Maintenance Co
Evoqua Water Technologies

- h) **Plumbing and HVAC Services**
McCloskey Mechanical Contractors

- i) **Sewer System Coating, Lining & Restoration**
Michel's Corp
Swerp

- j) **Heavy Duty Truck Mechanic Services**
Cruzan's Fright Liner

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RJ Twichell
Clegg's Garage
Quality Truck Center
Johnson & Towers
Granturk

k) Misc. Employee Uniforms

Action Uniform

l) Ceilings, Flooring, Wall Covering and Partition Material, Materials & Installation

Erco Ceilings of Somers Point Inc.

m) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Inc.

Garrison Enterprise Inc.

n) Generator Parts and Service

Genserve

Municipal Maintenance Co

o) Hardware Supplies

Shore True Value Hardware

p) Plumbing & HVAC Services

Falasca

Seashore Mechanical

q) Tractor Equipment Parts and Supplies

The ODB Co

r) Vactor Parts and Service

Granturk

s) Demolition Services

Transformation Services

Yanuzzi Group

American Contractor Services

Ocean Construction LLC

t) Storm Drain Cleaning and Television Inspection

Mount Construction

American Pipe Cleaning

Mobile Dredging and Video Pipe

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**u) License Plate and Facial Recognition Hardware, Software, and Training
Vigilant Solutions**

Resolution No. 173

M/S- Meischker/Tapp

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

No. 173 of 2018

**Subject: A Resolution to Adjourn to Executive Session to Discuss Matters
Involving Potential Contract Negotiations Related to Emergency Services**

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 September 27, 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.

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

The specific topic to be discussed is issues related to contract negotiation for Emergency Services.

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;

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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).

<u>Subject of Discussion</u>	<u>Estimated Date</u>	<u>Necessary Occurrence</u>
See Exception 7 above.	Cannot be determined at this time.	City Council approval by Resolution, if any

Resolution No. 174

M/S- Toto/D’Adamo

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

No. 174 of 2018

Subject: Approval to Submit a Grant Application and Execute a Grant Agreement with the U. S. Department of Homeland Security for the FY 2018 FEMA Pre-Disaster Mitigation Program

Introduced By: Council President McGuigan, Councilmen Gerety and Dill

WHEREAS, the U. S. Department of Homeland Security for the FY 2018 FEMA Pre-Disaster Mitigation Program; and

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

WHEREAS, this grant program requires a 25 percent local match from the municipality;
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 Pre-Disaster Mitigation Program may fund flood walls and other mitigation projects.

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 the grant application for the above stated project.
2. The Mayor and City Clerk are hereby authorized to submit a grant application to the U.S. Department of Homeland Security.
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.

Old Business:

None

New Business:

Regarding a letter dated 8/17/18 from the Atlantic County Municipal Joint Insurance Fund,

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City Clerk, Lucy Samuelsen, requested consideration from City Council to appoint Deputy City Clerk, Shelby Heath, as the City's Alternate Fund Commissioner. City Councilman Dill entertained the idea of having an Alternate Fund Commissioner with a centralized location. City Council concurred to have a resolution for consideration on the October 11th agenda.

City Council approved two race applications for the Somers Point Foundation for Education and the N.J. Run for the Fallen.

Discussion of Bills:

Administrator Swain reported a Bill List dated 9/25/18 in the amount of \$1,439,792.83.

Public Portion

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

Payment of Bills

M/S – Gerety/Tapp

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

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:32 p.m.

Reconvene:

The Governing Body reconvened Open Session at 8:10 p.m.

Resolution No. 175

M/S- Gerety/Toto

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The resolution was adopted unanimously by roll call vote by those present.

No. 175 of 2018

Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of Dani Ventures LLC Regarding Block 1912, Lots 1, 4 and 5 also known as 939 Bay Avenue in the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, Dani Ventures LLC is the owner of certain lands known as Block 1912, Lots 1, 4 and 5 (and more commonly known as 939 Bay Avenue) in the City of Somers Point; and

WHEREAS, Dani Ventures LLC has previously filed appeals with the Tax Court of New Jersey for the years 2014, 2015, 2016, 2017 and 2018 under Docket Nos. 013800-2014, 006683-2015, 002885-2016, 002645-2017 and 001402-2018; and

WHEREAS, the City and Dani Ventures LLC have reached a settlement regarding each of these matters; and

WHEREAS, Tax Counsel for the City, Thomas G. Smith, Esquire, has advised that it is in the best interests of the City to approve and ratify said settlement; and

WHEREAS, City Council has reviewed the terms of the proposed settlement with Tax Counsel and has considered same as well as knowing the uncertainty which accompanies any litigation; and

WHEREAS, City Council has concluded that the proposed settlement is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the proposed settlement providing as follows: The assessment is to be reduced as follows - \$1,300,000 for 2014 through 2017; plaintiff withdraws the appeal for 2018, and there is to be a further reduction for 2019 to \$750,000. The overpayment is to be paid after the 2nd quarter tax payment date. Interest on the overpayment is waived.

Resolution No. 176
M/S-Gerety/Toto

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

No. 176 of 2018

Subject: A Resolution Authorizing the Mayor and City Administrator, with the Advice of the City Solicitor, to Negotiate and Execute a Shared Services Agreement with Egg Harbor Township for the Provision of Emergency Medical Services

Sponsor: Councilman Dennis Tapp

WHEREAS, the City of Somers Point (“City”) has a need to provide for emergency medical services within the City’s jurisdictional limits; and

WHEREAS, the City’s current contract for emergency medical services is due to expire at 11:59 pm on December 31, 2018; and

WHEREAS, the Township of Egg Harbor (“Township”) currently operates emergency medical services for residents of the Township; and

WHEREAS, the Township EMS is fully certified by the State of New Jersey Department of Health, Office of Emergency Medical Services; and

WHEREAS, the Township has agreed to provide emergency medical services within the jurisdictional limits of the City; and

WHEREAS, The Uniform Shared Services Consolidation Act, N.J.S.A. 40 A:65-1 *et. seq.* authorizes such legal entities to enter into a shared services agreement with each other to contract a service which the parties to an agreement are empowered to render within a certain jurisdiction; and

WHEREAS, the Township EMS participates in the County of Atlantic Shared Service Agreement for mutual aid for EMS; and

WHEREAS, the members of City Council believe that the interests of the public will best be served by entering into an agreement whereby the Township will provide emergency medical services within the jurisdictional limits of the City.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Administrator shall be and are hereby authorized, with the assistance of the City Solicitor, to negotiate a Shared Services Agreement consistent with the terms that have been discussed for the aforesaid emergency services, and that the Mayor and City Administrator are hereby authorized to execute said Agreement once terms acceptable to the City of Somers Point have been reached.

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Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 10/11/18