

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
February 8, 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:** Dill, Gerety, Meischker, Toto, D'Adamo, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, City Clerk Samuelson, and Attorney Lafferty

**Absent:** Tapp

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**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.

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**Public Portion on Resolution No. 48 of 2018:**

Meeting was opened to the public regarding the Resolution, and hearing no comments, duly closed.

**Resolution No. 48**

M/S – Meischker/Dill

The resolution was adopted by a unanimous vote of those present. Councilman Meischker stated that he is involved with both organizations and founding member of the Patcong Creek Foundation. He complimented both organization for the great amount of work they have accomplished over the years. He proudly stated that the volunteers are from Somers Point and other areas of south Jersey, which shows their dedication in keeping the waterways clean. Mayor Glasser thanked all the volunteers who worked diligently and as a team with no expense to the City. Mayor Glasser thanked both organizations for their work in keeping the environment nice and pristine. Greg Gregory explained how everyone worked together to get the boat out. The River Council and the Patcong Creek Foundation were both presented a resolution from Mayor Glasser and Councilman Meischker. Mr. Akers commented to never under estimate the skill of volunteers. The Governing Body thanked everyone for their part in removing the abandoned boat.

**No. 48 of 2018**

**Acknowledging and Thanking the Volunteers for Removal of Wayward Boat**

**Introduced by: Councilman Ron Meischker**

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**Whereas**, for nearly nine years a wayward boat drifted from spot to spot in the back bays of Somers Point; and

**Whereas**, the waterways that surround this community are a natural resource that is cherished by local citizens and visitors alike; and

**Whereas**, keeping the bays free of discarded boating and fishing equipment as well as general garbage is important to overall health of the ecosystems of the bays; and

**Whereas**, in 2009 the wayward boat was grounded in the marsh area just off Mays Landing Road; and

**Whereas**, a motivated group of volunteers from the Great Egg Harbor River Council and The Patcong Creek Foundation along with assistance from The Somers Point Department of Public Works took on the task of removing the boat and properly disposing of it; and

Now, therefore, to acknowledge those individuals who tackled this task, it is hereby

**RESOLVED** that the Mayor and City Council of the City of Somers Point on behalf of ourselves and the citizens of Somers Point wish to acknowledge and thank Lisa Bender, Tom Dati and Jason Breslau of the Patcong Creek Foundation as well as Fred Akers, Greg Gregory, Paul Ludgate, and Brian Camp of the Great Egg Harbor River Council for their efforts in removing the wayward boat.

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**Communications:**

None

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**Mayor's Report:**

Mayor Glasser mentioned that the annual Fire Company No. 2 installation dinner was a wonderful evening, and thanked them for everything they do for the City. Mayor Glasser extended his appreciation for all the volunteers who removed the abandoned boat from the bay. The Am Vets are busy preparing for the annual Memorial Day Parade. Mayor Glasser read a memorandum from Police Chief Boyd inviting the Mayor and City Council to attend the graduation of Officers Chu and McGuigan

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**Administrator's Report:**

None

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**Solicitors Report:**

None

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**Committee Reports:**

Council President McGuigan reported that the Finance Committee will meet with the department heads tomorrow for budget planning purposes.

Councilman Toto mentioned that the Green Team began working on the silver accreditation for sustainability.

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**Approval of Minutes:**

M/S – Dill/D’Adamo

The Reorganization Meeting of 1/5/18, the Regular Meeting of 1/11/18, 1/25/18 and the Executive Session minutes of 1/25/18 were approved by a unanimous vote of those present.

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**Ordinances:**

None

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**Public Portion on Resolutions:**

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

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**Consent Agenda:**

None

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City Council duly approved the 48- hour waiver to consider Resolution No. 49.

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**RESOLUTIONS:**

**Resolution No. 46**

M/S – Toto/Meischker

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

**No. 46 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 lowest bid that was received was from Wickberg Marine Contracting Inc. in the amount of \$876,600.00 and that all other bids received for the Project substantially exceeded this lowest bid; and

**WHEREAS**, even the lowest bid received substantially exceeded the cost estimate for the Project prepared by the City Engineer; and

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

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**Resolution No. 47**

M/S –

The resolution was tabled.

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No. 47 of 2018

**Subject: A Resolution to Adjourn to Executive Session to Discuss Litigation Involving the matter of Valentine v. Somers Point Planning Board**

**Introduced By: Council President McGuigan**

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

**WHEREAS**, the Somers Point City Council has determined that one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on February 8, 2018, during a public meeting to be held commencing at 7:00 P.M, and

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

**1** (7) **Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Described as specifically as possible without undermining the need for confidentiality is:**

**To discuss with Counsel the currently pending litigation entitled Valentine v. Somers Point Planning Board, a matter subject to the Attorney-Client Privilege**

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

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

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

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

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

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

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City Council concurred to add Resolution No. 49 to the agenda by 48-hour waiver.

**Resolution No. 49**

M/S – Meischker/Gerety

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

**No. 49 of 2018 (amending Resolution No. 42 of 2018)**

**Subject: Somers Point Arts Commission**  
**Introduced by: Councilmen Tapp and Gerety**

**WHEREAS**, the Somers Point Arts Commission was established by Ordinance No. 13 of 2006; and

**WHEREAS**, vacancies exist on the Somers Point Arts Commission due to the expiration of the terms of the members.

**NOW, THEREFORE, BE IT RESOLVED** that the following members are hereby appointed with their terms expiring December 31, 2018:

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Kathleen Arleth  
Karen Sutherland  
Dan Meyers  
Donna Mohr  
Christine Toland Ulrich

Kimberly Bray  
Lois Hirschman Gregory  
Vacancy  
Vacancy

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**Old Business:**

Council President McGuigan called for a motion to approve Mr. Fleischman bill. Councilman Meischker motioned, seconded by Councilman Gerety and carried.

Councilman Meischker reported that the proposal to clam on Sundays has made it to Committee in Senate and Assembly, and he is very hopeful it will move through Committee within the next 60 days.

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**New Business:**

City Council approved a Social Affair permit for the Rotary Club of Somers Point on 4/10/18.

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**Discussion of Bills:**

Administrator Swain reported a bill list dated 2/6/18 in the amount of \$ 3,057,639.57.

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**Public Portion**

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

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**Payment of Bills**

M/S – Toto/Dill

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

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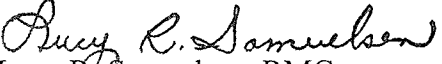
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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 7:25 p.m.

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Respectfully submitted,

  
Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 2/22/2018