

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 9, 2017**

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: D'Adamo, Dill, Gerety, Smith, Toto, Tapp and McGuigan

Also Present: Mayor Glasser, Administrator Swain, Attorney Franklin, Clerk Samuelson and Deputy Clerk Mollenkopf and members of the Volunteer Fire Departments

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

Resolutions:

Public Portion on Resolutions (For Resolutions 54, 55, 56 & 57 of 2017 only)

Meeting was opened to the public and duly closed.

Resolution No. 54

M/S – Gerety/Toto

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

Councilman Toto stated that Mr. Ravese is an outstanding example of a firefighter, and he offered thanks to all of the firefighters. Councilman Dill thanked Daniel for his service and stated that it is inspiring that young volunteers are committing to be volunteer firefighters. Councilman Dill thanked all the firefighters for their service. Council President McGuigan feels encouraged that there are young individuals that are devoted and willing to volunteer. Mayor Glasser mentioned how dedicated Mr. Ravese is to receive this honor with only a year of service. Mayor Glasser congratulated him and thanked all the firefighters for their service and commitment. Councilman Tapp thanked all the firefighters as well as their families.

No. 54 of 2017

Congratulating Daniel Ravese - Somers Point Fire Company #1 - Firefighter of the Year

WHEREAS, the city of Somers Point is extremely fortunate to have been blessed with many men and women who volunteer to serve as members of our Fire Department and answer the call to protect our citizens and their property when needed; and

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WHEREAS, the all-volunteer fire department alleviates a considerable financial burden on the taxpayers of this community and is a source of pride for the city; and

WHEREAS, Daniel Ravese is a member of Fire Company #1, having joined a year ago; and

WHEREAS, in that short time Daniel has completed both Firefighter I and Firefighter II classes that are run by the State of New Jersey at Atlantic County Fire Training Center; and

WHEREAS, even though Daniel has a full time job and a young child at home, he is still able to maintain one of the highest percentage of attended calls in the company; regularly helps out with fundraising activities, and is always there for any member if they need a hand; and

WHEREAS, Daniel Ravese was selected as Firefighter of the Year for 2016 at Somers Point Fire Company #1.

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Daniel Ravese for this achievement and for his dedication to the Somers Point Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Daniel and their best wishes to him in all his future endeavors and services.

Resolution No. 55

M/S – Dill/Toto

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

Councilman Dill thanked Fred and Barbara for their years of their services in all aspects, but especially this evening for their fire company service and commitment to the City. Councilman Toto thanked Mr. and Mrs. Cottrell for the dedication to the fire department and to the City. He added that the City is very lucky to have both of them serving the City for so many years. Mayor Glasser congratulated them both for all their service to the City and the feeling of family they portray to everyone. City Councilman Tapp stated that everyone loves them and loves their family. He continued to thank them exceedingly for all their service. Councilman Smith stated that the Cottrell family is the epitome of class. Council President McGuigan stated that after 55 years of service, the City's appreciation cannot be properly articulated. He continued to admire them for their exceptional and lengthy service noting 55 years represented 11 United States Presidents.

No. 55 of 2017

Saluting Mr. Fred Cottrell Sr. – 55 Years of Service with Somers Point Fire Company

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WHEREAS, Fredrick Cottrell Sr. is a lifelong resident of the city of Somers Point; and

WHEREAS, Fred has been an active member of the Somers Point Volunteer Fire Company for 55 years; and

WHEREAS, Fred, who has served in various positions during his tenure, including Chief as well as President, dedicated countless hours of time, energy, and commitment to the Fire Company; and

WHEREAS, he still is active and responds to fire calls; and

WHEREAS, the all-volunteer fire department is part of the fabric of the community and is a great source of pride for the city; and

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Mr. Fredrick Cottrell Sr. for reaching this milestone of service with the Somers Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Fred for his life-long dedication to the citizens of Somers Point.

Resolution No. 56

M/S – Dill/Gerety

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

Councilman Dill indicated that the fire company auxiliary is the backbone of the fire department and very important to the firefighters. He thanked her for the many years of service and for her leadership. Mayor Glasser stated that the auxiliary is a wonderful resource and asset for the fire department. He continued that they are out there with the firefighters on calls volunteering and thanked her and all of the fire departments' volunteers for their service to the City. Councilman Toto sincerely thanked Mrs. Cottrell for all her years of service and dedication to the City and the fire department. Councilman Tapp stated that Mrs. Cottrell is a very special woman to support her husband for 55 years while he was away from his family volunteering. But she also supported every firefighter by bringing them comfort in time of need. Council President McGuigan stated that it is fantastic to have someone volunteer for 55 years; however, having two people from the same household is truly a blessing to the City.

No. 56 of 2017

Saluting Mrs. Barbara Cottrell - 55 Years of Service with Somers Point Fire Company Auxiliary

WHEREAS, Barbara Cottrell is a long time resident of the city of Somers Point; and

WHEREAS, Barbara has been an active member of the Somers Point Volunteer Fire Company Auxiliary for 55 years; and

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WHEREAS, the primary objective of the Auxiliary is to provide the Fire Company with whatever is needed for it to succeed at its mission, including fundraising efforts, as well as supporting the firefighters with coffee and refreshments at the scenes of fires and other major emergencies; and

WHEREAS, Barbara who has served in many positions during her tenure, including President of the Auxiliary, has committed countless hours of time and energy to the Auxiliary; and

WHEREAS, still to this day, when the Auxiliary's coffee truck rolls out to an emergency site, Barbara is there, handing out cool drinks or hot cups of coffee: and

WHEREAS, the Auxiliary is an integral part of the all-volunteer fire department; and

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Mrs. Barbara Cottrell for reaching this milestone of service with the Auxiliary of the Somers Volunteer Fire Department; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Barbara for her long time dedication to the citizens of Somers Point.

Resolution No. 57

M/S – Gerety/Dill

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

Councilman Toto congratulated and thanked him for all his efforts. Councilman Dill proudly stated that he is the third generation of firefighters in his family. He fondly reminisced of his grandfather and his father; how they volunteered and were highly respected by all. Councilman Dill thanked and congratulated him for the recognition and award that he justly deserved. Mayor Glasser thanked him for his service and mentioned that there are many families that volunteer their time. Mayor Glasser complimented him on rising up to be Firefighter of the Year. Councilman D'Adamo remembered the words "Mickey could always be counted on". He stated that he is very proud of him reaching this achievement. Councilman Tapp remembered when Mickey was young and was always dependable at a young age and that dependability stayed with him. Councilman Tapp mentioned that he was very proud of Mickey's accomplishment, which exemplifies a strong family unit with a hard work ethic. Council President McGuigan stated that he truly appreciated all his service to the City. He added that the volunteers are the fabric of the City, and he is thankful that Mickey is a part of it.

No. 57 of 2017

Congratulating Mickey Ang - Somers Point Fire Company #2 - Firefighter of the Year

WHEREAS, the City Council of Somers Point recognizes the dedication of the many men and women who volunteer to serve as members of our Fire Department and answer the call to protect the life and property of the citizens of our community; and

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WHEREAS, the all-volunteer fire department alleviates a considerable financial burden on the taxpayers of this community and is a source of pride for the city; and

WHEREAS, Mickey Ang is a member of Fire Company #2, having joined in June of 2015; and

WHEREAS, upon immediately proving his efforts with continual contributions, Mickey was voted as Rookie of the year for 2015, an accomplishment achieved in less than 6 months of membership; and

WHEREAS, Mickey can always be counted on, whether on an emergency call or to help out around the fire house; and

WHEREAS, Mickey Ang was selected as Firefighter of the Year for 2016 at Somers Point Fire Company #2.

Now therefore, it is hereby **RESOLVED** that the Mayor and City Council recognize and thank Mickey Ang for his contributions and dedication to Somers Point Volunteer Fire Department Station #2 and congratulate him on being named Firefighter of the year; and

It is further **RESOLVED** that the City Council of Somers Point conveys their gratitude to Mickey and their best wishes to him in all his future endeavors and services.

Mayor Glasser and Councilman Tapp proudly distributed the resolutions to the recipients with an enthusiastic standing ovation.

Communications:

None

Mayor's Report:

Mayor Glasser attended the monthly AmVets meeting where plans were made for the Memorial Day Parade scheduled for May 29th at 11:00 a.m.

Administrator's Report:

Administrator Swain was pleased to report the City's bond rating increased from AA- to A+.

Committee Reports:

Councilman Smith attended the Recreation Commission meeting last Thursday evening, and discussion ensued regarding policies and procedures and charging for the recreational fields.

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Councilman Dill reported that the Budget Committee met with all the department heads, which was very successful. He thanked all the department heads and Administrator Swain for their efforts.

Minutes:

M/S – Gerety/Tapp

Minutes of the regular meeting of December 22, 2016, and Executive Session of November 10, 2016 as to content only were approved by a unanimous vote of those present. Councilmen Smith and Dill stated they were not present for the Executive Session.

ORDINANCES

Ordinance No. 1 – First Reading

M/S – Gerety/Dill

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

ORDINANCE NO. 1 of 2017

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$570,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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.

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$600,000 including the sum of \$30,000 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United

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States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2.

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 \$570,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation And Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of two (2) Police Department sport utility vehicles, including all attachments and appurtenances applicable thereto.	\$82,000	\$77,900	5 years
b.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration,			

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handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$518,000 \$492,100 10 years

TOTAL \$600,000 \$570,000 9.32 Years

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the 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 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 must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5.

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital

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budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and available for inspection.

SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average 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 ordinance, is 9.32 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and 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 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 for in this bond ordinance by \$570,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$85,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7.

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8.

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 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 of rate or amount.

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SECTION 9.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or 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 9 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 Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10.

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 Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause 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 11.

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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 12.

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

SECTION 13.

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. 2 – First Reading

M/S – Toto/Gerety

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

Councilman Smith expressed his doubts at the previous City Council meeting; however, after receiving additional information, he is now satisfied and will be voting yes for the ordinance. City Councilman D’Adamo mentioned that this ordinance appears to be well-crafted; however, he would be reluctant to support additional four way stop ordinances due to impeding the flow of traffic. Councilman Dill recommended formulating procedures and a committee to review any additional proposed four way stops. City Council President mentioned the Parking and Traffic Committee would handle any future proposed four way stops would need to stand on their own merits.

No. 2 of 2017

An Ordinance Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article VIII: Stop Intersections, Section 250-32; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to designate stop intersections; and

WHEREAS, a recommendation has been made by the Somers Point City Engineer and the Somers Point Police Department to designate a four – way stop intersection to regulate the flow of traffic within the intersection of Ambler Road and Bala Drive in the interest of public safety.

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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: Somers Point Municipal Code Chapter 250 Article I, Section 250-32 Schedule VIII: Stop Intersections is hereby amended and supplemented in accordance with the provisions of § 250-11 to designate the following intersections as stop intersections:

250-32 Schedule VIII: Stop Intersections.

INTERSECTION

STOP SIGN LOCATION

Ambler Road and Bala Drive

Ambler Road (both sides at intersection with
Bala Drive)

Bala Drive (both sides at intersection with
Ambler Road)

SECTION 2: Appropriate signage shall be installed and placed according to New Jersey Department of Transportation as required by Regulation.

SECTION 3: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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. 3 – First Reading

M/S – Dill/Toto

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

Ordinance No. 3 of 2017

An Ordinance

**Amending and Supplementing Somers Point Municipal Code Section 250-36 Schedule XII:
Bus Stops and Repealing all Ordinances Inconsistent Therewith.**

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WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to designate stops, stations, or stands for buses subject to recommendation, review and approval from New Jersey Transit and the New Jersey Department of Transportation; and

WHEREAS, a request had been made by New Jersey Transit ("NJT") to designate bus stop locations along Shore Road and New Road (US Route 9); and

WHEREAS, New Road (US Route 9) is a State highway situated within the City of Somers Point; and

WHEREAS, Shore Road is a County road situated within the City of Somers Point; and

WHEREAS, the proposed bus stop locations along Route 9 have been reviewed and approved by New Jersey Transit and by the New Jersey Department of Transportation ("NJDOT"), and the proposed bus stop locations along Shore Road have been reviewed and approved by NJT and the Atlantic County Engineer; and

WHEREAS, approval has been received from NJDOT, NJT, and the Atlantic County Engineer to proceed with the introduction and adoption of this Ordinance; and

WHEREAS, Schedule XII in Somers Point Code Section 250-36 was last amended in 1980; and

WHEREAS, since 1980 certain designated bus stops have been added and others eliminated; and

WHEREAS, bus stop signs have been or shall be installed by the appropriate authorities at the designated locations; and

WHEREAS, upon final adoption a certified copy of this Ordinance will be submitted by the Somers Point City Clerk to Michael E. Mihalic, Supervisor, Traffic Investigations, Bureau of Traffic Engineering, New Jersey Department of Transportation, Daniel O’Gorman, Field Representative, New Jersey Transit, and the Atlantic County Engineer

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.

Schedule XII within Code Section 250-36 is repealed in its entirety.

SECTION 2.

Schedule XII within Code Section 250-36 is amended as follows:

A. In accordance with the provisions of Code Section 250-15, the following described locations are hereby designated as bus stops:

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<u>Name of Street</u>	<u>Direction/Side</u>	<u>Location</u>
Shore Road	North/East	Annie Avenue (far side), beginning at the northerly curb of Annie Avenue and extending 110 feet northerly therefrom.
		New Jersey Avenue (far side), beginning at the northerly curblines of New Jersey Avenue and extending 110 feet northerly therefrom.
		Medical Center Way (far side), beginning at the northerly curblines of Medical Center Way and extending 110 feet northerly therefrom.
		Between Harbor Lane and Pleasant Avenue (midblock), beginning 435 feet north of the northerly curblines of Harbor Lane and extending 100 feet northerly therefrom.
		Groveland Avenue (near side), beginning at the southerly curblines of Groveland Avenue and extending 120 feet southerly therefrom.
		Dawes Avenue (far side), beginning at the northerly curblines of Dawes Avenue and extending 110 feet northerly therefrom.
		Ocean Avenue (far side), beginning at the northerly curblines of Ocean Avenue and extending 110 feet northerly therefrom.
Shore Road	South/West	Ocean Avenue (far side), beginning at the southerly curblines of Ocean Avenue and extending 110 feet southerly therefrom.
		Meyran Avenue (far side), beginning at the southerly curblines of Meyran Avenue and extending 100 feet southerly therefrom.
		Groveland Avenue (far side), beginning at the southerly curblines of Groveland Avenue and extending 100 feet

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southerly therefrom.

Between Pleasant Avenue and Bethel Road (midblock), beginning 170 feet south of the prolongation of the southerly curbline of Pleasant Avenue and extending 135 feet southerly therefrom.

Connecticut Avenue (far side), beginning at the southerly curbline of Connecticut Avenue and extending 110 feet southerly therefrom.

New Jersey Avenue (far side), beginning at the southerly curbline of New Jersey Avenue and extending 110 feet southerly therefrom.

Somers Avenue (near side), beginning at the northerly curbline of Somers Avenue and extending 100 feet northerly therefrom.

Name of Street **Direction/Side**

Location

**New Road
(US Rt. 9) North / East**

Rhode Island Avenue (near side) beginning at the southerly curb line of Rhode Island Avenue and extending 105 feet southerly therefrom.

Massachusetts Avenue - (near side) beginning at the southerly curb line of Massachusetts Avenue and extending 105 feet southerly therefrom.

Between Chapman Boulevard and Bethel Road- (midblock) beginning at a point 165 feet north of the prolongation of the northerly curb line of Chapman Boulevard and extending 135 feet northerly therefrom.

**New Road South / West
(US Rt. 9)**

Ocean Heights Avenue (CR 559A) – (far side) beginning at the southerly curb line of Ocean Heights Avenue and extending 140 feet southerly therefrom.

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Between Chapman Boulevard and Groveland Avenue-
(midblock) beginning at a point 265 feet south of the southerly
curb line of Chapman Boulevard and extending 135 feet
southerly therefrom.

Massachusetts Avenue- (near side) beginning at the northerly
curb line of Massachusetts Avenue and extending 105 feet
northerly therefrom.

Between Connecticut Avenue and New York Avenue-
(midblock) beginning at a point 85 feet south of the southerly
curb line of Connecticut Avenue and extending 135 feet
southerly therefrom.

SECTION 3: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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 immediately upon its final passage and publication.

Resolutions:

Public Portion on Resolutions (For Resolutions 52, 53, 58, 59, 60, 61, 62 & 63 of 2017 only)
Meeting was opened to the public and duly closed.

Resident, Mr. Jeff Franco of Decatur Avenue expressed his concern regarding Resolution No. 59-2017. Administrator Swain explained that a committee has been established to enter into a rating system, which would enable taxpayers to lower their flood insurance premiums.

Resolution No. 52

M/S – Toto/Dill

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

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**No. 52 of 2017
AUTHORIZING EXECUTIVE SESSION**

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) topic which involves discussion of the proposed terms and conditions of a collective bargaining agreement and the status of negotiations which is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on February 9, 2017 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 listed below is the applicable exception, and next to the 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 **“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”**

The collective bargaining contract(s) to be discussed are between the City and Teamsters Local 115; and

WHEREAS, the length of the Executive Session is estimated to be approximately 20 - 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; and

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 #4 above Collective Bargaining Agreement Discussion	Upon Completion or Resolution of the pending matters	Final authorized and approved Agreement, or other final disposition of the matter.

There was a motion seconded and carried to adjourn the Regular Meeting at 7:48 p.m. to enter into Executive Session in the Mayor’s Office. Council President McGuigan informed the public

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that hopefully the Executive Session would be brief. Afterwards, the Governing Body would reconvene in Council Chambers.

City Council President McGuigan reconvened the Regular City Council Meeting at 8:00 p.m.

Resolution No. 53

M/S – Tapp/Toto

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

No. 53 of 2017

Subject: Memorandum of Understanding – Teamsters Union Local No. 115

Introduced By: Councilmen Tapp, Toto and Smith

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115 were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2013 through December 31, 2016; and

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115 have continued to operate pursuant to that Agreement since its expiration on December 31, 2016 and have continued to negotiate in good faith for a successor agreement; and

WHEREAS, the City of Somers Point and the Teamsters Union Local No. 115, through diligence and compromise, have negotiated the basic terms and conditions of a successor contract and a revised salary schedule; and

WHEREAS, those terms and conditions have been memorialized in a Memorandum of Understanding which is attached hereto; and

WHEREAS, the term of the successor agreement shall be from January 1, 2017 through December 31, 2019; and

WHEREAS, the attached Memorandum of Understanding is hereby agreed to by this governing body.

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

1. The attached Memorandum of Understanding is adopted effective January 1, 2017 and shall be reduced to a formal written agreement.

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2. Once the formal written agreement is prepared in conformance with the Memorandum of Understanding, upon ratification of the formal agreement by the Union, Mayor John L. Glasser, Jr. is hereby authorized to sign the agreement between the City of Somers Point and the Teamsters Union Local No. 115 on behalf of the City.

Resolution No. 58

M/S – D’Adamo/Smith

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

No. 58 of 2017

AUTHORIZING EXECUTIVE SESSION

Introduced by: Councilman Smith

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** topic which involves the status of a certain pending Tax Appeals filed on behalf of two (2) commercial property owners, and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations for tax years 2009 through 2016, which have been asserted against the City which require the advice and counsel of the Special Tax Counsel to the City of Somers Point and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on February 9, 2017 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.

2

“(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.”

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The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

A report by the Somers Point Special Tax Counsel on the status of certain tax appeals filed or pending against the City of Somers Point, and explanation of the basis for settlement or other resolution recommendations made by the Tax Assessor and Special Tax Counsel. The list of the matters pending before the Tax Court of New Jersey for which such recommendation has been made and which may be discussed is:

CAPTION and TAX COURT DOCKET NO. WHERE KNOWN; OR BY TAX YEAR IF NO DOCKET NUMBER ASSIGNED:

<u>Docket No.:</u> <u>Year:</u>	<u>Caption:</u>	<u>BLOCK / LOT</u>		<u>Tax</u>
003959-2009	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2009
000415-2010	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2010
001558-2011	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2011
000446-2012	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2012
000321-2013	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2013
006252-2014	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2014
001911-2015	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2015
000964-2016	KMART v. City of Somers Point	Block - 499	Lot – 15.03	2016

Assessment for tax year 2017 will also be discussed by the Tax Assessor and Special Tax Counsel.

013455-2014	TIMOTHY WALLACE v. City of Somers Point	Block – 1941.01	Lot – 1	2014
011521-2015	TIMOTHY WALLACE			

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	v. City of Somers Point	Block – 1941.01	Lot – 1	2015
21-160069L	TIMOTHY WALLACE			
	v. City of Somers Point	Block – 1941.01	Lot – 1	2016

Application of the Freeze Act for tax years 2017 and 2018 and the impact of environmental cleanup and DEP declaration will also be discussed by the Tax Assessor and Special Tax Counsel.

WHEREAS, the length of the Executive Session is estimated to be approximately 20 – 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	February 23, 2017 for the listed tax appeals.	City Council Approval by Resolution

Resolution No. 59

M/S – Dill/Toto

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

No. 59 of 2017

Subject: Appointing a Floodplain and Stormwater Management Program for Public Information (PPI) Committee

Proposed by: Councilmen Dill and D’Adamo

Whereas, The City of Somers Point plans to enter the Community Rating System (CRS) in 2017 and is working towards this goal; and

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Whereas, in connection with this endeavor the City desires to establish a Program for Public Information (PPI) Committee; and

Whereas, the role of the committee is to assist in developing the PPI by providing feedback on areas of the community that should be targeted for outreach, the type of messages to be delivered, and by whom and how often messages will be delivered; and

Whereas, the members of the PPI Committee should have a significant amount of knowledge regarding flood hazards and flood risk in general, and particularly in the City of Somers Point.

Now, Therefore, Be It Resolved that the City Council of the City of Somers Point hereby establishes the PPI Committee comprised of the following members:

Wes Swain, City Administrator

James McBrien, Construction Official

Dennis Brown, Glenn Insurance Company

Nichol Hoff, Sturdy Savings Bank

Resolution No. 53

M/S – Dill//Toto

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

No. 60 of 2017

Subject: Acknowledging Terms and Conditions of Participation in the South Jersey Power Co-Operative Natural Gas Purchase

Proposed by: Council President McGuigan, Councilmen Dill and Gerety

Whereas, the City of Somers Point is a member of the South Jersey Power Co-Operative; and

Whereas, on September 13, 2016 Camden County, as the lead for the South Jersey Power Co-Operative, received bids for the purchase of the commodity Natural Gas; and

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Whereas, the winning bidder was South Jersey Energy Company for the GS-FT rate of \$4.9598 per dekatherm for the twelve month period beginning in December, 2016; and

Whereas, the billing shall be based upon the applicable Local Distribution Company's meter reading by location, and invoice payment terms will be twenty (20) day; and

Whereas, the City of Somers Point will be enrolled in this contract with South Jersey Energy Company.

Now, Therefore, Be It Resolved that the City Council of the City of Somers Point hereby acknowledges the terms and conditions of the cooperative purchase in accordance with the conditions outlined herein.

Resolution No. 61

M/S – Dill/Toto

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

Council President McGuigan indicated that this is one of the best examples of shared services, and the City is fortunate to be a part of the Fund.

No. 61 of 2017

A RESOLUTION COMMEMORATING THE 30TH ANNIVERSARY OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and

WHEREAS, the City of Somers Point is a member of the Atlantic County Municipal Joint Insurance Fund; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund commenced operations on January 1, 1987, with seven charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and

WHEREAS, over the past 30 years the Fund has grown to 41 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey's history; and

WHEREAS, municipalities participating in the ACMJIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of nearly \$31 million dollars in surplus distributions; and

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WHEREAS, the elected officials and the municipal employees covered by the Atlantic County Municipal Joint Insurance Fund are the foundation of the Fund's success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and

WHEREAS, the City of Somers Point wishes to recognize and commemorate the Fund on its 30th year of successful operation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point assembled in a public session on February 9, 2017, that this body does hereby recognize and commemorate 2017 as the 30th year of the successful operation of the Atlantic County Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point wishes to acknowledge this 30th Anniversary as a milestone event in the history of the Fund and wishes the Fund continued success for many years to come; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Executive Director of the Atlantic County Municipal Joint Insurance Fund for his information and distribution to the membership.

Resolution No. 62

M/S – Toto/Dill

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

No. 62 of 2017

Subject: Authorizing Contract for the FY 2016 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 FY2016; and

Whereas, as a participant, the City of Somers Point expects to be allocated \$44,415.00 for Fiscal Year 2016 for the project known as Road Reconstruction on Centre Street; 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:

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1. The agreement by and between the Atlantic County Improvement Authority and the City of Somers Point which is attached hereto and mad a part hereof is hereby approved.
2. The Mayor and the City Clerk are authorized to sign the attached agreement and to execute any further documents that may be necessary on behalf of the City.

Resolution No. 63

M/S – Toto/Dill

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

No. 63 of 2017

Subject: A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

Introduced By: Council President McGuigan

WHEREAS, the City of Somers Point application for funding for a project under the Safe and Secure Communities Program (Grant #P-6749-17) has been accepted; and

WHEREAS, the Safe and Secure Communities Program is a program of the State of New Jersey Department of Law and Public Safety, Division of Criminal Justice.

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

- 1) The project is a joint effort between the Department of Law and Public Safety and the City of Somers Point for the purpose described in the application.
- 2) The Safe and Secure Communities Program Grant #P-6749-17 is for the period beginning in August, 2016 through July, 2017.
- 3) The City of Somers Point is authorized to accept, and does accept this grant award.
- 4) The amount of the grant is \$23,373.00 and the cash match by the City of Somers Point is \$184,747.00.
- 5) The grant funds of \$23,373.00 are accepted for the purpose described in the grant application.

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- 6) The Mayor and City Administrator are hereby authorized and directed to sign, complete and file all necessary documents in connection with this award on behalf of the City.

Consent Agenda:

There were no items on the consent agenda for consideration.

Old Business:

None

New Business:

Councilman Gerety motioned, seconded by Councilman Toto and carried to approve the following:

- Social Affair Permit for Cape Shore Chorale at Grace Lutheran Church
- Approval of a Bingo License for Atlantic County Outlaws, Inc. for 3/11/17
- Approval of On-premise Raffle License for Atlantic County Outlaws, Inc. for 3/11/17

Discussion of Bills:

Administrator Swain reported records of payments for 1/31/17 amounting to \$1,253.76 and 2/3/17 in the amount of \$1,000.00. The bill list of 2/7/17 was in the amount of \$135,537.72.

Public Portion:

Mr. Jack Franco of Decatur Avenue questioned if there were a plan to pave Decatur Avenue. Councilman Gerety explained the plans for Decatur Avenue. Councilman Dill mentioned that the plans are in the Budget and plan to begin reconstruction in the fall. Councilman Smith mentioned that the paved berm will need to be addressed by the City Engineer. City Council President McGuigan mentioned that the Budget is still in the planning stage. Mr. Franco thanked Councilmen Smith and Dill for their assistance along with City Engineer Schneider. Mr. Franco additionally expressed his concern regarding emergency vehicles responding to Decatur Avenue while the road is flooded. City Councilman Gerety offered further explanation of the plans to reconstruct Decatur Avenue. Council President McGuigan thanked Mr. Franco for attending the meeting.

Mr. Don of Decatur Avenue expressed his concern regarding the flooding of Decatur Avenue.

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Payment of Bills

M/S – D’Adamo/Smith

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

Recess:

City Council recessed at 8:30 p.m. prior to going into Executive Session.

Adjournment:

There being no further business, meeting adjourned at 8:50 p.m.

Respectfully submitted,



Lucy R. Samuelsen, RMC
Municipal Clerk

Approved: 5/25/17