

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

Meeting called to order at 7:00 p.m. by President Pro Tempore Tapp with a salute to the flag.

Roll call was recorded as follows:

Present: D'Adamo, Smith, Toto, Tapp

Also Present: Administrator Swain, Attorney Franklin & Clerk Samuelson

Absent: Dill, Gerety, McGuigan

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

Communications:

None

Mayor's Report:

Mayor Glasser announced that the Boys Scouts will hold their annual spaghetti dinner this Saturday evening at 4:30 p.m.at the United Methodist Church.

Administrator's Report:

None

Committee Reports:

Councilman Smith reported that the City will be accepting the Rt. 52 boat ramp, and the Recreation Commission will hire a boat ramp attendant for the summer.

Approval of Minutes:

The Reorganization Meeting minutes of January 6, 2017, were approved by unanimous vote of those present.

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.

There were no items on the consent agenda.

RESOLUTIONS:

Councilman Smith motioned, seconded by Councilman Toto and carried to waive the 48 hour rule to consider Resolution No. 74-2017 this evening.

Resolution No. 68

M/S – D’Adamo/Toto

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

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 the negotiations between the City and PBA 77 and 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 March 9, 2017 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each 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”
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The terms and conditions of a Collective Bargaining Agreement between the City of Somers Point and PBA 77 [Patrolpersons] is to be discussed.

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 reasons;

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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 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	Upon Completion of Negotiations	Final Resolution of Council approving and ratifying Contract or other Final Disposition.

Resolution No. 69

M/S – Toto/Smith

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

No. 69 of 2017

Subject: **Approving Proposals – Goods and Services 2017**

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 February 24th, 2017, 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 January 1, 2017 through December 31, 2017:

- a) **Roofing Services**
Clarity Contractors

Resolution No. 70

M/S – Toto/Smith

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

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No. 70 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 certain pending Tax Appeals filed on behalf of a commercial property owner, 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 2016 and 2017, which have been asserted against the City which require discussion of the advice and recommendations provided by the Tax Assessor and 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 March 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.

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“(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 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:

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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>
6512-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1514 Lot - 3	2016
6512-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1515 Lot - 3	2016
12141-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1213 Lot - 5	2016
12141-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1212 Lot - 2.02	2016
N/A	SHORE HOSPITAL v. City of Somers Point	Block - 1514 Lot - 3	2017

WHEREAS, the length of the Executive Session is estimated to be approximately 15 – 20 minutes after which the public meeting of the City Council shall reconvene;

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

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

BE IT FURTHER RESOLVED that 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	March 9, 2017 for the listed tax appeals.	City Council Approval by Resolution

Resolution No. 71
M/S – Toto/D’Adamo

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

City Administrator Swain explained that OPRA requests are taking so much time out of daily duties in the City Clerk's Office, and a majority of the requests are for police records. In addition, there are added requests due to body cameras. Council President Pro Tempore Tapp reported that in 2012 there were 74 OPRA requests and in 2016 there were 181 OPRA requests.

No. 71 of 2017

Designation of the Confidential Secretary to the Somers Point Chief of Police as a Deputy Custodian of Records for the Sole Purpose of Receiving, Processing and Responding to OPRA Requests for Documents Maintained within the Somers Point Police Department which Fall within the Definition of a "Public Record"

Introduced By: Council President McGuigan

Whereas, the New Jersey Open Public Records Act (OPRA) in N.J.S.A. 47:1A-1.1 specifies that the "Custodian of a government record" or "custodian" means in the case of a municipality, "the municipal clerk"; and

Whereas, the New Jersey Government Records Council ("GRC") has recognized that this simple statutory phrase has created some concern in municipal government circles about the role of the municipal clerk and the clerk's relationship to other officials, which concern is rooted in the reality that other officials have statutorily defined responsibilities, which in most cases, include maintenance and custody of specific types of records; and

Whereas, a core purpose of OPRA is to provide "one-stop shopping" to the public when it comes to access to local government records; and

Whereas, the GRC has acknowledged that there are several strategies available to municipalities to accomplish this goal which include the designation by the municipal clerk of deputies to assist by taking responsibility for categories of records usually kept in other places; and

Whereas, the Somers Point City Clerk has recommended that the Confidential Secretary to the Chief of Police Department be designated as a Deputy Custodian of Records for the sole purpose of receiving, processing and responding to OPRA requests for documents maintained within the Somers Point Police Department which fall within the definition of a "Public Record"; and

Whereas, the Chief of Police of the City of Somers Point concurs with this recommendation for continuity in the processing of such requests; and

Whereas, the Governing Body of the City of Somers Point agrees that this recommendation will facilitate the handling of and response to such requests for public records and is consistent with the intent of OPRA

Now, therefore, it is hereby Resolved by the City Council of the City of Somers Point in Atlantic County, New Jersey that:

The Confidential Secretary to the Somers Point Chief of Police is hereby designated and recognized as a Deputy Custodian of Records for the sole purpose of receiving, processing and responding to OPRA requests for documents maintained within the Somers Point Police Department which fall within the definition of a "Public Record"; and

It is further RESOLVED that whenever records are intended to be made available through persons in addition to the City Clerk the City Clerk shall post a list of sub-custodian's names, the offices, their locations, and hours so that a requester can go directly to these offices as an alternative to the City Clerk's office.

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Resolution No. 73

M/S – Toto/D’Adamo

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

No. 73 of 2017

Appointment of Debra Westcott to Somers Point Arts Commission

Introduced by: Councilman Gerety

WHEREAS, the Somers Point City Code provides in Section 2-6 that the Arts Commission shall consist of 10 members appointed by City Council; and

WHEREAS, by Resolution 31 of 2017 and Resolution 50 of 2017 City Council appointed eight persons to serve on the Arts Commission for terms to expire on December 31, 2017; and

WHEREAS, Somers Point Code Section 2-11 provides that any vacancy may be filled by a Resolution adopted by City Council; and

WHEREAS, a recommendation has been received from the Arts Commission for Council to consider and approve the appointment of Debra Westcott, a resident of the City of Somers Point, to fill one of the member vacancies; and

WHEREAS, the recommendation has been considered by City Council and the resume of Ms. Westcott has been reviewed.

NOW, THEREFORE, BE IT RESOLVED that Debra Westcott is hereby appointed to serve as a member of the Somers Point Arts Commission for a term expiring December 31, 2017.

Resolution No. 74

Councilman Toto motioned, seconded by Councilman D’Adamo to amend Resolution No. 74 under the advisement of Solicitor Franklin.

M/S – Toto/Smith

The resolution was adopted by a unanimous vote of those present. Council President Pro Tempore indicated the resolution allows the City to accept a donation of \$206,000 from Shore Medical Center. City Councilman Smith thanked Shore Medical Center.

City of Somers Point
Resolution

No. 74 of 2017

RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF

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**A FINANCIAL CONTRIBUTION AGREEMENT BETWEEN SHORE MEMORIAL
HOSPITAL AND ITS AFFILIATES AND THE CITY OF SOMERS POINT**

Sponsored by: Councilmen Tapp, Gerety and Smith

WHEREAS, there is currently in effect an Agreement between Shore Memorial Hospital (“Shore”) and the City of Somers Point (“City”) (the "2016 Agreement") pursuant to which Shore agreed to make certain contributions and donations to City in the aggregate amount of Two Hundred Six Thousand Dollars of which a certain amount was unrestricted and paid into the General Fund and a portion of which was dedicated to be used by the City to enhance public safety within the community; and

WHEREAS, there remain pending before the legislature bills which would amend N.J.S.A. 54:4-3.6 and which, if enacted, would establish an annual community service contribution based upon the number of licensed beds or some other formula for payment in lieu of taxes; and

WHEREAS, Shore and City wish to enter into an Agreement governing certain real estate tax issues to govern the calendar year 2017; and

WHEREAS, the parties have negotiated the terms of a 2017 Agreement whereby Shore shall pay to the City the sum of \$206,000 to be used as specified and which shall be in addition to payments made by Shore properties which are not subject to exemption in 2017 or any other payments for any other purpose; and

WHEREAS, it is the intent of the Parties that if such legislation is enacted during 2017 or 2018, any annual community service contribution or other payments required to be made by Shore to the City under the legislation applicable to calendar year 2017 shall be paid in addition the payments provided for within the agreement, and without any credit or offset for such payment(s) for any amounts paid to the City by Shore during 2016 or 2017; and

WHEREAS, in the event no legislation is enacted during 2017 which would amend N.J.S.A. 54:4-3.6, the Parties preserve their rights to file tax appeals (including added or omitted assessments) in 2018;

Now, therefore, it is hereby **RESOLVED** by this governing body that the Mayor is hereby authorized to execute and deliver an agreement between the City and Shore Memorial Hospital and its affiliates substantially in the form attached hereto subject to such modifications as may be deemed necessary or desirable by the Chief Financial Officer and City Solicitor.

Old Business:

Councilman Smith motioned to untable Resolution No. 66-2017, seconded of Councilman Toto and carried.

Resolution No. 66

M/S – Smith/Toto

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

No. 66 of 2017

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Subject: Appointment of Public Relations Services

Introduced By: Councilmen Tapp, Smith and Gerety

WHEREAS, the City of Somers Point has identified a need for Public Relations Services for the period of March, 2017 through February, 2018: and

WHEREAS, requests for proposals for Public Relations Services were published on February 2, 2017 and two proposals were received by the City on February 17, 2017; and

WHEREAS, the existing contract for these services expires on February 28, 2017 and the Economic Development Advisory Commission does not meet until February 27, 2017; and

WHEREAS, City Council believes it is important to maintain uninterrupted services in this effort, if possible.

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

1. Conditioned upon the Economic Development Advisory Commission reviewing the proposals and making a recommendation at their meeting of February 27, 2017 to award a contract for Public Relations Services for the City of Somers Point for the period of March 1, 2017 through February 28, 2018, inclusive, a contract may be entered into with the provider recommended by the Economic Development Advisory Commission.
2. This appointment is awarded through a fair and open process pursuant to N.L.S.19:44A-20.4 et seq.
3. The Mayor is hereby authorized to execute an agreement with the services provider in connection with these services, in the amount not to exceed \$ 17,000.00, in a form approved by the City Solicitor and, upon execution, the agreement will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

New Business:

Councilman Toto motioned, seconded by Councilman D'Adamo and carried to approve an off premise 50/50 raffle for Ocean City Crew Booster, Inc. Council President Pro Tempore recused himself; however, as a Doctrine of Necessity the application was approved unanimously by those present.

Discussion of Bills:

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Administrator Swain reported a record of payment dated 3/3/17 in the amount of \$350 and a bill list dated 3/7/17 in the amount of \$343,225.69.

Public Portion

Public portion was duly opened.

Ed O'Donnell expressed his concern regarding verbal abuse throughout the world.

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

Payment of Bills

M/S – Smith//Toto

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.

Recess:

City Council recessed at 7:40 p.m. prior to going into Executive Session.

Council President McGuigan joined the meeting at 7:50 p.m.

Resolution No. 72

M/S – Smith//Toto

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

No. 72 of 2017

**AUTHORIZING THE SOMERS POINT TAX ASSESSOR IN CONJUNCTION WITH
SOMERS POINT SPECIAL TAX COUNSEL TO SETTLE AND COMPROMISE
CERTAIN REAL PROPERTY TAX APPEALS PENDING BEFORE THE NEW JERSEY
TAX COURT**

Introduced By: COUNCILMAN SMITH

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WHEREAS, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals pending before the Atlantic County Board of Taxation or the New Jersey Tax Court; and

WHEREAS, for reasons of efficiency this Governing Body has determined that the Tax Assessor should not be required to present each such settlement to this body for approval; and

WHEREAS, this Governing Body has directed that whenever a settlement of a pending matter would result in an assessed tax revenue reduction in excess of Ten Thousand Dollars (\$10,000.00) for any such property within a single tax year no such settlement shall be entered

into without a presentation to the City Council explain the proposed settlement, the reason for the settlement recommendation, and the impact upon the current and prior tax years; and

WHEREAS, Special Tax Counsel and the Somers Point Tax Assessor have identified the following series of pending tax appeals and have discussed the implications and

recommendations during Executive Sessions held on March 9, 2017 relative to the following pending Tax Appeals which exceed the approval threshold:

<u>Docket No.:</u> <u>Year:</u>	<u>Caption:</u>	<u>Tax</u>
6512-2016	SHORE HOSPITAL v. City of Somers Point Block - 1514 Lot – 3	2016
6512-2016	SHORE HOSPITAL v. City of Somers Point Block - 1515 Lot – 3	2016
12141-2016	SHORE HOSPITAL v. City of Somers Point Block - 1213 Lot – 5	2016
12141-2016	SHORE HOSPITAL v. City of Somers Point Block - 1212 Lot – 2.02	2016
N/A	SHORE HOSPITAL v. City of Somers Point Block - 1514 Lot – 3	2017

WHEREAS, after giving due and careful consideration to the recommendations made by Special Tax Counsel and the Somers Point Tax Assessor

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matters pending before the Tax Court of the State of New Jersey in the following manner:

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<u>Docket No.:</u>	<u>Caption:</u>	<u>Tax Year:</u>
6512-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1514 Lot - 3 2016
6512-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1515 Lot - 3 2016
12141-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1213 Lot - 5 2016
12141-2016	SHORE HOSPITAL v. City of Somers Point	Block - 1212 Lot - 2.02 2016
N/A	SHORE HOSPITAL v. City of Somers Point	Block - 1514 Lot - 3 2017

Through a stipulation for the assessed value of the subject property in the amounts shown for the tax years designated below:

<u>Block / Lot #:</u>	<u>Tax Year:</u>	<u>Stipulated Assessed Value:</u>
Block 1515 / Lot 3	2016	Exempt
Block 1213 / Lot 5	2016	Exempt
Block 1512 / Lot 2.02	2016	Exempt
Block 1514 / Lot 3	2016	\$2,305,800

It shall be further stipulated to the Tax Court by the parties that the Assessment on Land and Improvements on Block 1514. Lot 3 shall be set at \$1,891,900 during 2017 and no Appeal shall be filed by the owner of the property for that tax year.

Interest and penalties shall be waived, the reduction shall be credited against future taxes, and all other taxes and other charges which may be due and owing shall be paid in full; and

IT IS FURTHER RESOLVED that the Mayor, the City Administrator, the Somers Point Tax Assessor and Special Tax Counsel are hereby authorized to execute and deliver any and all such documents as may be determined by the Tax Assessor and Special Tax Counsel to be necessary or desirable to effectuate these approved settlements.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

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Lucy R. Samuelsen, RMC
Municipal Clerk

Approved: