

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 26, 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: Meischker, D’Adamo, Dill, Gerety, Toto, Tapp, McGuigan

Also Present: Mayor Glasser Administrator Swain, City Clerk Samuelsen, Deputy City Clerk Mollenkopf, and Attorney Franklin

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.

Communications:

None

Mayor’s Report:

Mayor Glasser reported that the first annual Trunk or Treat was a tremendous success. He thanked everyone that was involved. Additionally, he announced that Trick or Treat will be held on 10/31/17 from 6:00 p.m. to 8:00 p.m.

City Administrator’s Report:

None

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Committee Reports:

None

Approval of Minutes:

M/S – Gerety/Toto

Minutes of 6/12/17 were approved by a unanimous vote of those present.

Ordinances:

Ordinance No. 20 of 2017

Second Reading/Public Hearing/Adoption

M/S – Tapp/Toto

No. 20 of 2017

**AN ORDINANCE FIXING THE SALARIES, WAGES
AND COMPENSATION OF THE OFFICERS AND
EMPLOYEES OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY.**

BE IT ORDAINED by the City Council of the City of Somers Point, New Jersey that the annual wages, salaries and compensation of the Officers and Employees of the City of Somers Point shall be as follows, as of January 1, 2017:

SECTION 1. FULL TIME EMPLOYEES

(for full year)

Position	From:	To:
Account Clerk Typist	23,400	49,200
Bookkeeper	23,400	49,650
City Administrator	60,000	146,900
City Clerk/Registrar of Vital Statistics, Municipal Search Officer, first year	40,000	73,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 1 year	73,000	75,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 2 years	75,000	77,000

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City Clerk/Registrar of Vital Statistics,		
Municipal Search Officer after completion of 3 years	77,000	80,000
Clerk Typist	23,400	28,950
Clerk Typist/Matron	23,400	51,250
Chief Financial Officer	5,000	25,000
Construction Official	40,000	56,400
Court Administrator	40,000	81,000
Department of Public Works Worker	24,500	66,400
Department of Public Works Work Leader	48,000	74,200
Deputy City Clerk/Deputy Registrar	30,000	44,850
Deputy Court Administrator	28,400	53,450
Deputy Tax Collector	28,400	52,800
Dispatcher	25,000	66,700
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	20,000	63,050
Police Patrol Officer	31,000	85,300
Police Sergeant	83,600	94,300
Police Lieutenant	107,700	118,500
Police Captain	116,400	128,000
Police Chief	99,200	151,000
Principal Manager of Public Works	60,000	93,150
Superintendent of Public Works	60,000	93,150
Asst. Supervisor of Public Works	40,000	75,500
Tax Assessor	40,000	81,400
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	69,100
Confidential Asst. to the City Administrator	22,000	64,550
Waste Water Collection System Operator	5,000	12,100
Qualified Purchasing Agent	1,200	18,000
Joint Insurance Fund Commissioner	1,200	2,500
Confidential Secretary to the Police Chief, first year	22,000	25,500
Confidential Secretary to the Police Chief, after completion of first year	25,500	27,200
Confidential Secretary to the Police Chief, after completion of second year	27,200	28,900
Confidential Secretary to the Police Chief, after completion of third year	28,900	30,600

Each full-time employee shall be paid for overtime, and any other additionally earned compensation, in accordance with his/her employment contract. This may include additional compensation based upon the length of his/her service, at the rate of \$100.00 per year, paid in addition to, and together with his/her salary.

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SECTION 2. PART TIME OFFICERS & EMPLOYEES (for full year)

Position		From:	To:
<u>Building Department</u>			
Electrical Sub-Code Official		7,000	11,650
Plumbing Sub-Code Official		7,000	11,650
Fire Sub-Code Official		7,000	11,650
Building Inspector	per inspection	10.00	20.00
Construction Official	per inspection	10.00	25.00
Temporary UCC Sub-code Official	per inspection	10.00	25.00
Zoning Code Enforcement Officer	per hour	10.00	20.00
Asst. Code Enforcement Officer		2,500	6,000
Asst. Code Enforcement Officer	per hour	10.00	25.00
Clerk-Typist	per hour	8.50	20.00
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	per hour	8.50	20.00
<u>Police Department</u>			
Dispatcher	per hour	9.00	20.00
School Traffic Guard	per day	27.00	48.00
Special Officer	per hour	11.00	20.00
Data Processing Clerk	per hour	8.50	16.00
Clerk Typist	per hour	8.50	16.00
<u>Recreation</u>			
Summer Recreation Coordinator	per hour	10.00	25.00
Lifeguard	per hour	8.50	16.00
Recreation Workers	per hour	8.50	40.00
Boat Ramp Attendant	per hour	8.50	15.00
<u>Public Works Department</u>			
Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	8.50	18.00
Recycling Coordinator		200	800
Public Works/Sanitation Workers	per hour	8.50	18.00
Public Works Secretary	per hour	8.50	16.00
Parking Lot Attendant	per hour	8.50	15.00
Waste Water collection System Operator		5,000	12,100

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Custodian	per hour	8.50	15.00
<u>Administration, Finance, Tax Collector, Tax Assessor and Court</u>			
Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		5,000	25,000
City Engineer		5,000	13,000
Clerk Typist	per hour	8.50	22.00
Municipal Alliance Coordinator		500	1,600
Safety Coordinator	per hour	19.00	25.00
Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		1,200	18,000
Joint Insurance Fund Commissioner		1,200	2,500
Municipal Magistrate		10,000	23,000
Temporary Court Clerk	per court session	60.00	100.00
<u>Bureau of Fire Prevention</u>			
Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	10.00	20.00
<u>Fire Department</u>			
Fire Chief			Up to 7,000
Deputy Fire Chief			Up to 5,400
Assistant Chief			Up to 3,900
Captain			Up to 3,600
Lieutenant			Up to 3,300
Fire Marshall			Up to 2,500
Fire Marshall	per inspection hour	10.00	20.00
Deputy Fire Marshall			Up to 2,500
Deputy Fire Marshall	per inspection hour	10.00	20.00
Fire Safety Officer			Up to 1,600
<u>Emergency Management</u>			
Emergency Management Coordinator			Up to 4,000
Deputy Emergency Management Coordinator			Up to 3,000
Assistant Emergency Management Coordinator			Up to 500

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Each part time hourly employee shall be paid for overtime at the rate of one and one-half times the employee's straight time hourly rate for all hours of work which are more than eight hours worked in one day or forty hours worked in one week for any such part time work.

SECTION 3. REPEALER

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

Resolutions:

Public Portion on Resolutions

M/S –

Meeting was opened to the public and duly closed.

Resolution No. 191 of 2017

M/S – Toto/D'Adamo

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

No. 191 of 2017

Subject: Authorization to Sign a Grant Agreement for
Somers Point Bikepath Extension – Phase II
Federal Project No. STP-C00S (839) Construction
NJDOT Job No. 5521307
FAP-2014-Somers Point City-02436

Introduced by: Council President McGuigan, Councilmen Dill and Gerety

WHEREAS, in accordance with Resolution 153 of 2012 the governing Body of the City of Somers Point determined that it was in the best interest of the City to apply to the New Jersey Department of Transportation for a grant to extend the bikepath from Somers Avenue to Braddock Avenue including the installation of new lighting and landscaping; and

WHEREAS, the USDOT – Federal Highway Administration issued federal authorization for this grant project on September 18, 2017; and

WHEREAS, it is necessary to authorize the appropriate City Officials to sign the Federal Aid Agreement for this project.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the Mayor and City Clerk to sign the Federal Aid Agreement for this project on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the agreement and approves the execution of the agreement.

Resolution No. 192 of 2017

M/S – Toto/D’Adamo

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

No. 192 of 2017

Subject: Authorization to Sign Documents and Agreements for
Somers Point-Pleasantville Bikeway Widening Project
Federal Project # TAP-1136 (300) PE
NJDOT Job # 5521308
FAP-2016-Somers Point City-02597

Introduced by: Council President McGuigan, Councilmen Dill and Gerety

WHEREAS, in accordance with Resolution 165 of 2016 the Governing Body of the City of Somers Point confirmed its support for and its acceptance of the Funding Grant for the Somers Point-Pleasantville Bikeway Widening Project to the New Jersey Department of Transportation; and

WHEREAS, in furtherance of this project it is necessary to authorize the appropriate City Officials to sign various documents and agreements during the course of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the Mayor and City Clerk to sign any necessary documents and agreements required for this project on behalf of the City of Somers Point and that their signature constitutes acceptance and approval of the signed documents and agreements.

Resolution No. 193 of 2017

M/S – Meischker/Tapp

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

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No. 193 of 2017

Subject: Resolution Releasing the Performance Guarantee for Dollar General

WHEREAS, Brahin Properties, requested the City of Somers Point release its Performance Guarantee posted for Dollar General, Block 1323, Lot 4 ,in the amount of \$257,324.40 to guarantee the completion of Dollar General; and

WHEREAS, the City Engineer reviewed this request and inspected the Project and determined that said Performance Guarantee can be released, as set forth in their October 23, 2017 letter attached hereto and incorporated by reference herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that based on the City Engineer's letter dated October 23, 2017, attached hereto and incorporated by reference herein, it hereby releases the Performance Guarantee

Resolution No. 194 of 2017

M/S – Toto/Dill

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

No. 194 of 2017

Subject: Contract for Gasoline and Diesel Fuel
Introduced By: Council

WHEREAS, the City of Somers Point is a member of the Atlantic County Cooperative #41-ACC for purchasing; and

WHEREAS, pursuant to the Lead Agency of the Atlantic County Cooperative #41-ACC advertising for sealed bids, bids were received on August 9, 2017 for furnishing and delivering gasoline, diesel fuel and heating fuel; and

WHEREAS, Majestic Oil Co. of Cherry Hill, New Jersey was the lowest bidder willing to provide the items to the members of the Cooperative System; and

WHEREAS, the bid of Majestic Oil Co is based on the day of delivery OPIS Oil Price Daily Newark, New Jersey low end-high end average rack plus a delivery and incidental charge of -\$0.0023 per gallon for gasoline and a delivery and incidental charge of \$0.0173 per gallon for diesel fuel.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes contract acceptance by the City Administrator of the proposal of Majestic Oil Co. for furnishing and delivering gasoline and diesel fuel for the period of October 17, 2017 through June 30, 2020.

Resolution No. 195 of 2017

M/S – Meischker/Tapp

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

No. 195 of 2017

Authorizing the Somers Point Tax Assessor in Conjunction with Somers Point Solicitor as Acting Tax Counsel to Settle and Compromise a Certain Real Property Tax Appeal Pending Before the New Jersey Tax Court

Introduced By: COUNCIL PRESIDENT MCGUIGAN

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, A) The City Solicitor as Acting Tax Counsel and the Somers Point Tax Assessor had identified the following series of pending tax appeals and have discussed the implications and recommendations during Executive Sessions held on October 12, 2017 relative to the following pending Tax Appeal which exceeds the approval threshold:

<u>Docket No.:</u>	<u>Caption:</u>	<u>Tax Year:</u>
005439-2014	GMH Restaurant Holdings v. City of Somers Point Block - 1810 Lot – 3	2014
002887-2015	GMH Restaurant Holdings v. City of Somers Point Block - 1810 Lot – 3	2015

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001776-2016 **GMH Restaurant Holdings**
v. City of Somers Point **Block - 1810 Lot – 3** **2016**

And,

WHEREAS, after giving due and careful consideration to the recommendations made by Acting 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:

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

Block / Lot #:	Tax Year:	Stipulated Assessed Value:
Block 1810, Lot 3	2014	Withdrawn
Block 1810, Lot 3	2015	\$3,300,000.00
Block 1810, Lot 3	2016	\$3,200,000.00
Block 1810, Lot 3	2017	\$3,000,000.00

The Assessment on Land and Improvements shall remain at \$3,000,000.00 during 2017 and 2018 and no Appeals shall be filed by the owner of the property for those tax years.

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.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point City Solicitor as Tax Counsel is hereby authorized to file a Stipulation of Settlement to incorporate the terms hereinabove set forth.

Resolution No. 196 of 2017

M/S – Toto/Dill

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

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No. 196 of 2017

Subject: Authorizing Advertising for Bids for the 2017 Road Program – Phase II

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Connecticut Avenue from Shore Road to Sunny Avenue, Sunny Avenue from Connecticut Avenue to Pleasant Avenue, Harbor Lane from Shore Road to Sunny Avenue, Franklin Drive from Chapman Boulevard to Groveland Avenue, Hamilton Drive from Chapman Boulevard to Groveland Avenue, and Decatur Avenue from Bay Avenue to dead end; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2017 Road Program – Phase II; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 198 of 2017

M/S – Meischker/Tapp

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

No. 198 of 2017

**Authorizing the Somers Point Tax Assessor in Conjunction with Somers Point Solicitor as
Acting Tax Counsel to Settle and Compromise a Certain Real Property Tax Appeal
Pending Before the New Jersey Tax Court**

Introduced By: Council President Mcguigan

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

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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, A) The City Solicitor as Acting Tax Counsel and the Somers Point Tax Assessor had identified the following series of pending tax appeals and have discussed the implications and recommendations during Executive Sessions held on October 12, 2017 relative to the following pending Tax Appeal which exceeds the approval threshold:

<u>Docket No.:</u>	<u>Caption:</u>	<u>Tax Year:</u>
014049-2014	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6 2014
011119-2015	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6 2015
012146-2016	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6 2016

And,

WHEREAS, after giving due and careful consideration to the recommendations made by Acting 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:

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

Block / Lot #:	Tax Year:	Stipulated Assessed Value:
Block - 2043 Lot – 6	2014	\$300,000.00
Block - 2043 Lot – 6	2015	\$300,000.00
Block - 2043 Lot – 6	2016	\$300,000.00

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The Assessment on Land and Improvements shall remain at \$300,000.00 during 2017 and 2018 and no Appeals shall be filed by the owner of the property for those tax years.

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.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point City Solicitor as Tax Counsel is hereby authorized to file a Stipulation of Settlement to incorporate the terms hereinabove set forth.

Resolution No. 199 of 2017

M/S – Dill/Tapp

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

No. 199 of 2017

**CITY OF SOMERS POINT
RESOLUTION NO. 199 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, 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 there is one (1) topic which requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on October 26, 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.”

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The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15, negotiations, and the status of the declaratory judgment proceedings as affecting Somers Point.

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.

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	Unknown at this time	Approval by City Council Action / Hearing / Court Order / Ordinance(s).

Old Business:

None

New Business:

None

Discussion of Bills:

Administrator Swain reported a bill list dated 10/24/17 in the amount of \$2,404,915.36.

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Public Portion

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

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.

Recess: City Council recessed at 7:18 p.m. prior to going into Executive Session, which ended at 8:12 p.m.

Resolution No. 197 of 2017

M/S – Gerety/Toto

The resolution was adopted by a roll vote of those present with Councilman D’Adamo voting no.

Subject: Appointment of COAH Municipal Planner

WHEREAS, the City of Somers Point has identified a need for a Fair Housing Act Municipal Planner (COAH Municipal Planner) for the period commencing upon appointment and for a term not to exceed one year to assist the City in developing and presenting a Third Round Compliance Plan to the New Jersey Superior Court for approval and acceptance; and

WHEREAS, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. **MASER Consulting P.A.** be and hereby is appointed as COAH Municipal Planner for the City of Somers Point for the period October 30, 2017 through a term to end not later than October 29, 2018, inclusive.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.

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3. This appointment is not exclusive during the term of this contract, and that City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.
4. The Mayor is hereby authorized to execute an agreement with Maser Consulting in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
5. 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.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: