

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

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

Roll call was recorded as follows:

Present: D'Adamo, Dill, Gerety, McGuigan, Smith, Tapp & Kern
Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin, Clerk Degrassi & Deputy Clerk Samuelsen

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

Council President Kern congratulated Mayor Glasser on his re-election, as well as Councilman Smith and Councilman Dill. Councilman Tapp congratulated Council President Kern on her election to the Freeholder Board.

Mayor's Report

Mayor Glasser reported that there was a very good turnout for the Veteran's Day ceremonies. He also noted that this Saturday night the AM Vets will have a dinner honoring David Fica as Officer of the Year. He also reported that the Holiday Parade will be held on December 4th beginning at 6:00 p.m. and on December 5th there will be a Holiday Movie Day at Jordan Road School from 12-2. Mayor Glasser also reported that the Pearl Harbor Day ceremony will be held on December 6th at 1:00 p.m. at the Somers Point beach. Mayor Glasser also gave the Police Department report for the month of October. He noted that he and the Administrator attended a centralized dispatch meeting stating that there is still a lot left unanswered. He congratulated Council President Kern on her election to the Office of Freeholder, noting that she will be missed on City Council.

Administrator's Report

Administrator Swain gave the annual Stormwater report in full, highlighting his written report. He noted that because of our proximity to the coast, we are a Tier A community. In April of 2004 Somers Point implemented a Stormwater Pollution Prevention Plan and adopted a Stormwater Management Plan and in March of 2006 we adopted a Stormwater Control Ordinance. He also noted that the City has adopted standard operating procedures that deal with fueling operations, vehicle maintenance and cleaning, road salt storage and annual employee training.

Committee Reports

Councilman McGuigan advised that the Arts Commission is interested in talking to the hospital regarding some artwork being done to the old Acme building. He also reported that there will be a luncheon at the League on November 17th for the communities that have achieved "Sustainable Jersey" status.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 2

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 29 (As Amended) – First Reading

M/S – D’Adamo/Gerety

Ordinance No. 29 was amended to add “as same shall have been from time to time previously amended and supplemented” in Section 3, after “Ordinance No. 5 of 2011. Ordinance No. 29 was then approved, as amended, by a unanimous vote of those present.

**CITY OF SOMERS POINT
Ordinance No. 29 of 2015 (As Amended)**

**An Ordinance Rescinding Ordinance No. 4 of 2006 and Amending and
Supplementing Section 5 of Ordinance 5 of 2001 to Adjust the Sewer
Connection Fee Charges and
Repealing All Ordinances Heretofore Adopted, the Provisions of Which Are Inconsistent
Herewith**

Whereas, the Somers Point City Code Chapter 212 regulates the setting of sewer rates and charges including, under Section 212-9 A, the periodic review of connection charges for the direct or indirect connection with the sewer system; and

Whereas, the sewer system connection fees have been fixed by Ordinance No. 5 of 2001 as amended by Ordinance No. 4 of 2006; and

Whereas, a review of the calculation of the connection fee charges as provided for under the applicable New Jersey Statutes has been undertaken

Now, therefore, it is hereby Ordained by the City Council of the City of Somers Point as follows:

SECTION 1.

Ordinance 4 of 2006 is rescinded in its entirety.

SECTION 2.

Section 5 of Ordinance No. 5 of 2001 is rescinded and is amended in its entirety to read as follows:

In addition to the yearly or annual service charge or rates established in Section 1 of Ordinance 5 of 2001 the Utility hereby adopts, prescribes and establishes the following sewer system connection fees:

(a) Private dwellings, apartments, condominium units, cooperative units, motel units, hotel rooms and other domestic units \$1,500.00;

(b) Commercial there will be charged a connection fee of Five Dollars (\$5.00) per gallon of estimated average daily flow. The estimated average daily flow shall be determined by the Utility on the basis of the factors specified in the Act and such other data and information made available to the Utility from its consulting engineers and the results of its other investigations and studies. Any such determination shall be filed with the Utility and shall be available for public inspection. The charge may, if the Utility shall so determine, be in the nature of an estimated charge which shall be subject to revision after the installation or construction is completed. In no event shall the connection fee be reduced from the original charge.

SECTION 3.

All other provisions in every other section of Ordinance No 5 of 2001, as same shall have been from time to time previously amended and supplemented, shall remain in full force and effect and are not modified or amended by the enactment 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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 3

Ordinance No. 29 (Continued)

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING:	November 12, 2015
PUBLICATION:	November 26, 2015
FINAL PASSAGE:	December 17, 2015

Ordinance No. 30 – First Reading

M/S – Dill/Gerety

Approved on first reading by a unanimous vote of those present.

**City of Somers Point
Ordinance No. 30 of 2015
AN ORDINANCE AUTHORIZING THE EXECUTION AND
DELIVERY TO THE NEW JERSEY TURNPIKE
AUTHORITY OF A LIMITED RIGHT OF ENTRY
AGREEMENT FOR A TERM OF FIVE YEARS FOR THE
PURPOSE OF PERFORMING LANDSCAPING,
RESTORATION AND RESTORATION MONITORING
WORK IN AND AROUND DRAG ISLAND
UPON CERTAIN CONDITIONS AND REPEALING ALL
ORDINANCES HERETOFORE ADOPTED THE
PROVISIONS OF WHICH ARE INCONSISTENT
HEREWITH.**

Whereas, the City of Somers Point (hereinafter "City") did obtain by deed dated June 29, 1990 and recorded in the Office of the Atlantic County Clerk in Deed Book 5279, Pages 28 through 36 certain real property designated on the Tax Map of the City as Block 2903 being a part of Lot 1, and also known as a portion of Drag Island (the "Property"); and

Whereas, the Property is unfunded parkland and appears on the City's Recreation and Open Space Inventory ("ROSI List) on file with New Jersey Department of Environmental Protection ("NJDEP"); and

Whereas, the Property has for some time been used by fishermen, boaters and others for recreational use and had been accessed by land using a portion of the Beesley's Point Bridge which connects Atlantic and Cape May counties crossing Drag Channel; and

Whereas, On June 26, 2013 the Somers Point City Council enacted Ordinance No. 13 of 2012 authorizing the lease to the New Jersey Turnpike Authority ("Authority") of a portion of the area of Drag Island owned by the City which was necessary as an integral part of the construction activity enabling the Authority to complete the construction of a replacement south bound Garden State Parkway bridge span and the demolition and removal of the existing south bound Parkway bridge span (the "Parkway Reconstruction Project") (the "Lease"); and

Whereas, the Lease was for a term of two years plus one six month extension, and which will expire on December 31, 2015; and

Whereas, the Authority has represented to the City that there is no further need for the use of the leased area for the purposes permitted within the Lease, and that all construction activities which required access to and use of Drag Island for the Parkway Reconstruction Project will be completed on or before the Lease expiration date of December 31, 2015; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 4

Ordinance No. 30 (Continued)

Whereas, in order to satisfy the restoration and monitoring obligations imposed upon the Authority pursuant to a Land Use Regulation Program Permit and a No Net Loss Reforestation Approval to Proceed issued by the New Jersey Department of Environmental Protection ("NJDEP") and contractual obligations to the County of Cape May, the Authority is obligated to undertake certain restoration, landscaping, and mitigation activities on Drag Island, including restoration and landscaping of the area leased to the Authority by the City; and

Whereas, the Authority has requested the City to execute and deliver a Right of Entry Agreement over a portion of the Property for the limited purposes of planting, landscaping, restoration and monitoring for a term not to exceed five (5) years; and

Whereas, the restoration and monitoring activities are intended to restore or enhance Drag Island, including the area of the Property which was subject to the Lease, for the benefit of the City and the public; and

Whereas, the Authority shall reimburse the City for all reasonable fees, costs and expenses including but not limited to attorneys' fee, engineer's fees and such other fees, costs and expenses which the City may incur during the term of the Right of Entry and to defend and indemnify the City from and against any and all claims which may be asserted against the City arising out of, or alleged to arise out of, the work performed or alleged to arise out of the Right of Entry, and the Authority and its contractors and subcontractors shall insure the City and shall have their General Liability and Automobile policies of insurance endorsed to add the City as an additional insured (which coverage shall be primary and non-contributory as to any insurance coverage maintained by the City); and

Whereas, the Authority has represented and warranted that the Right of Entry Agreement does not require formal approval by the NJDEP as required by N.J.A.C. 7:36-25.14(a); and

Whereas, the Authority has agreed to undertake and obtain at its sole expense any other approvals which may be required; and

Whereas, this governing body has determined that the execution and delivery of the Right of Entry Agreement will serve a public purpose and will result in restoration and reforestation of natural areas on and within Drag Island

Now, Therefore, IT IS HEREBY ORDAINED as follows:

SECTION 1: The Mayor and City Administrator are hereby authorized to execute and deliver to the New Jersey Turnpike Authority a limited Right of Entry Agreement for a term not to exceed five (5) years from January 1, 2016 which shall be subject to review and approval by the City Engineer and City Solicitor and shall, at a minimum, satisfy the requirements for restoration of the Leased area.

SECTION 2: The form of the Right of Entry Agreement between the City and the New Jersey Turnpike Authority shall be substantially in the form filed in the office of the City Clerk and shall be subject to such modification as may be determined by the City Solicitor and City Administrator to be reasonable and necessary but in no event, however, shall the term of the Lease exceed five (5) years.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: 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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page
Ordinance No. 30 (Continued)

5

SECTION 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: NOVEMBER 12, 2015
PUBLICATION: NOVEMBER 26, 2015
FINAL PASSAGE: DECEMBER 17, 2015**

RESOLUTIONS

Public Portion on Resolutions

M/S – Dill/D’Adamo

Meeting was opened to the public and duly closed.

Consent Agenda

There were no items on the Consent Agenda.

Resolution No. 169

M/S – McGuigan/D’Adamo

Adopted by a unanimous vote of those present.

No. 169 of 2015

Subject: Hiring Telecommunicator
Introduced By: Councilmen McGuigan, D’Adamo and Gerety

WHEREAS, there exists a need to hire a full time Public Safety Telecommunicator; and,

WHEREAS, Mayor John L. Glasser, Jr. and Police Chief Michael Boyd have recommended that part time Public Safety Telecommunicator Sherrymaria Yacoub be appointed to said full time position; and,

WHEREAS, Sherrymaria Yacoub has worked for the City of Somers Point in that position on a part time basis for over two years; and

WHEREAS, Sherrymaria Yacoub is a certified Telecommunicator; and,

WHEREAS, the Chief of Police has recommended that Sherrymaria Yacoub start her full time employment and be paid in accordance with the level in Salary Schedule-D, For Dispatchers Hired On or After July 1, 2012, After completion of 1st year (\$31,544.00) in the contract between the City of Somers Point and PBA Local#77.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Sherrymaria Yacoub be and is hereby appointed to the position of full time Public Safety Telecommunicator, effective December 1, 2015.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point hereby concurs with the salary recommendation of the Police Chief and approves the salary of Sherrymaria Yacoub as indicated herein.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 6

Resolution No. 170

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 170 of 2015

Subject: Hiring a Full Time Laborer
Introduced by: Councilmen Tapp, Smith & McGuigan

WHEREAS, there exists a need to hire a full time laborer for the Department of Public Works; and

WHEREAS, Stephen G. Dutton is currently employed by the City as a part time employee, and his full time employment has been recommended by the Supervisor of Public Works; and

WHEREAS, the City Administrator/CFO has confirmed that this is a budgeted position and has determined to make this appointment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby approves the hiring of Stephen G. Dutton to the full time position of Laborer 1 in accordance with the New Jersey Civil Service Job Specification 02248 effective December 1, 2015.

BE IT FURTHER RESOLVED that his annual salary will be established at \$30,517 in conformance with the Blue Collar schedule for anyone hired on or after January 1, 2013, Start Year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

Resolution No. 171

M/S – D'Adamo/Gerety

Adopted by a unanimous vote of those present.

No. 171 of 2015

Subject: Chapter 159 Resolution
Introduced By: Council President Kern

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$15,038.00 and wishes to amend its 2015 budget to include this amount as a revenue.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 7
Resolution No. 171 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$15,038.00 which item is now available as a revenue from:

Miscellaneous Revenue
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenue Offset with Appropriations:
2015 Municipal Alliance on Alcoholism and Drug Abuse
Prevention Program \$15,038.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$15,038.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
2015 Municipal Alliance on Alcoholism
and Drug Abuse \$15,038.00

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 172

M/S – Dill/Gerety

Adopted by a unanimous vote of those present.

No. 172 of 2015

Subject: Chapter 159 Resolution
Introduced By: Council President Kern

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$3025.82 from the New Jersey Division of Criminal Justice and wishes to amend its 2015 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$3025.82 which item is now available as a revenue from:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 8
Resolution No. 172 (Continued)

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

2015 Body Armor Grant \$3,025.82

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of 3025.82 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

2015 body Armor Grant \$3,025.82

BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 173

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 173 of 2015

Subject: Authorizing the discard of personal property

Introduced By: Council President Kern

WHEREAS, the City of Somers Point is in possession of personal property that is no longer needed for public use because it does not function properly; and

WHEREAS, an effort was made to sell these items at a public auction online through GovDeals.com in accordance with NJSA 40A: 11-36; and

WHEREAS, the efforts to sell the below referenced goods was unsuccessful in procuring a buyer; and

WHEREAS, the property is specifically described as follows:

1. Various Computer/Office Equipment – Administration

WHEREAS, the condition of this property is such that the cost of repair and/or storage exceeds the value of the property; and

NOW, THEREFORE, BE IT RESOLVED that the City Administrator is hereby authorized to discard this property in the most expeditious manner.

Resolution No. 174

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 9

Resolution No. 174 (Continued)

No. 174 of 2015

Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.

Introduced By: Council President Kern

WHEREAS, the City of Somers Point has determined that surplus items including but not limited to, one 1997 Chevrolet Pick-Up Truck, one 1994 Dodge Caravan, and one 1999 Ford Crown Victoria are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

NOW, THEREFORE, BE IT RESOLVED by the City of Somers Point's Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: www.govdeals.com

Length of Auction: 10 Days.

Start Date: Friday November 27th, 2015 (see schedule A)

End Date: Thursday December 3rd, 2015 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is".

Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned

Schedule A

1. Auction 1: 1997 Chevrolet Pick-Up VIN#: 2GCFK24K9L1137622

Bid Start: Friday November 27th, 2015: 9:00AM

Bid Stop: Thursday December 3rd, 2015: 1:50PM

2. Auction 2: 1994 Dodge Caravan VIN#: 12GCEK14H8G1160633

Bid Start: Friday November 27th, 2015: 9:00AM

Bid Stop: Thursday December 3rd, 2015: 2:50PM

3. Auction 3: 1999 Ford Crown Victoria VIN#: 1HTSAZRM9LH274001

Bid Start: Friday November 27th, 2015: 9:00AM

Bid Stop: Thursday December 3rd, 2015: 3:50PM

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 10

Resolution No. 175

M/S – Dill/D’Adamo

Adopted by a unanimous roll call vote of those present.

No. 175 of 2015

Subject: Budget Appropriation Transfer
Introduced by: Councilmen McGuigan, Gerety and D’Adamo

WHEREAS, N.J.S. 40A:4-1 et.seq. allows the Governing Body to make budget appropriation transfers after November 1st of the budget year to expend for any of the purposes specified in the budget an amount in excess of the respective sums originally appropriated therefor, provided that the resolution is adopted by not less than a two-thirds vote of the full membership thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, not less than two-thirds of all members thereof affirmatively concurring, that the Chief Financial Officer is hereby authorized to make the following budget transfer as specified in this resolution.

Current Fund

From:

Legal Services OE	5-01-20-155-200	\$ 10,000
Diesel Fuel	5-01-31-447-274	10,000
Gasoline	5-01-31-460-273	10,000
Code Enforcement OE	5-01-22-200-200	<u>2,000</u>
	Total	\$32,000

To:

Municipal Prosecutor OE	5-01-25-275-200	\$ 2,000
Street Lighting	5-01-31-435-276	20,000
Buildings and Grounds OE	5-01-26-310-200	<u>10,000</u>
	Total	\$32,000

Resolution No. 176

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

RESOLUTION No. 176 of 2015

**A RESOLUTION OF CONCURRENCE SUPPORTING A DETERMINATION MADE
BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO ESTABLISH
AND DESIGNATE A “NO PASSING ZONE” ALONG THE
ENTIRE LENGTH OF ROUTE NEW JERSEY 9 WITHIN
THE GEOGRAPHICAL LIMITS OF THE CITY OF
SOMERS POINT, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 11

Resolution No. 176 (Continued)

WHEREAS, in January of 2013 a request was received from the New Jersey Department of Transportation requesting a Resolution of support from the Governing Body of the City of Somers Point to legally establish a “No Passing Zone” along the entire stretch of Route NJ 9 within the physical boundaries of the City of Somers Point; and

WHEREAS, the City Engineer and the Somers Point Police Department reviewed the request and conducted an independent traffic investigation along that stretch of Route NJ 9 and have concluded that a “No Passing Zone” as recommended is appropriate for this type of highway; and

WHEREAS, the investigation also demonstrated that existing double yellow pavement markings along Route NJ 9 meet and conform to the current design standards for a “No Passing Zone”; and

WHEREAS, the governing body of the City of Somers Point adopted Resolution No. 68 of 2013 in support of the recommendation, a copy of which is attached hereto; and

WHEREAS, in January of 2015 a second request for a resolution of concurrence was received from the New Jersey Department of Transportation requesting support of the Governing Body of the City of Somers Point to legally establish a “No Passing Zone” along the entire stretch of Route NJ 9 within the physical boundaries of the City of Somers Point.

Now, therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point reaffirms the support set forth in Resolution No. 68 of 2013 and reiterates that it concurs with the recommendation made by the New Jersey Department of Transportation to designate the entire stretch of Route NJ 9 within the geographical boundaries of the City of Somers Point as a “No Passing Zone”; and

It is further, **RESOLVED**, that upon final approval of this designation the New Jersey Department of Transportation shall prepare and issue a Traffic Regulation Order; and

It is further, **RESOLVED**, that the New Jersey Department of Transportation shall be responsible to place any required signs along Route NJ 9 and shall give notice to the Somers Point Chief of Police when such signs are to be placed; and

It is further, **RESOLVED**, that a certified copy of this Resolution shall be mailed by the City Clerk to the State of New Jersey, Department of Transportation P.O. Box 600, Trenton, NJ 08625-0600 to the Attention of Michael E/ Mihalic, Supervisor, Traffic Investigations, Bureau of Traffic Engineering, Chief Michael Boyd of the Somers Point Police Department and Mott Associates, the Somers Point Engineer.

Resolution No. 177

M/S – D’Adamo/Dill

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 177 of 2015
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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

**Page 12
Resolution No. 177 (Continued)**

WHEREAS, the Somers Point City Council has determined that there are **THREE** (3) topics which require the advice and counsel of the City Solicitor 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 November 12, 2015 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.

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

- 1) Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15;
- 2) Advice of counsel and attorney client communication and discussion with City Administrator regarding negotiation of the terms and conditions of a Redeveloper’s Agreement and Financial Agreements consistent with and authorized under the provisions of N.J.S.A. 40A:12A inclusive of but not limited to N.J.S.A. 40A:12A-8, 12A-9, 12A-41, 12A-59 and 12A-60 as referenced in the Redevelopment Plan as approved by Ordinance 5 of 2015.
- 3) Advice of Counsel and attorney client communication regarding a threatened lawsuit and drafting of legislation.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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

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	Unknown at this time	City Council and / or Court Approval by Ordinance and / or Court Order.

Resolution No. 178
M/S – D’Adamo/Dill
Adopted by a unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 13

Resolution No. 178 (Continued)

**RESOLUTION NO. 178 of 2015
AUTHORIZING EXECUTIVE SESSION (Corrected Copy)**

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, 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 2010, 2011, 2012, 2013, 2014, and 2015 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 November 12, 2015 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.

X "(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:

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

<u>Docket No.:</u>	<u>Caption:</u>	<u>Tax Year:</u>
004152-2012	Jordan Dev. v City of Somers Point	2012
005342-2013	Jordan Dev. v City of Somers Point	2013
007887-2014	Jordan Dev. v City of Somers Point	2014
002167-2015	Jordan Dev. v City of Somers Point	2015
007405-2010	FreeMan of SP v City of Somers Point	2010
004283-2011	FreeMan of SP v City of Somers Point	2011
006832-2012	FreeMan of SP v City of Somers Point	2012
009550-2013	FreeMan of SP v City of Somers Point	2013
008716-2014	FreeMan of SP v City of Somers Point	2014
005763-2015	FreeMan of SP v City of Somers Point	2015

In addition, the Tax Assessor and Special Tax Counsel may report upon the status of 2015 Tax Appeals.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

**Page 14
Resolution No. 178 (Continued)**

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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	December 17, 2015	City Council Approval by Resolution

Old Business

There was no Old Business

New Business

Council President Kern stated that we may need a special meeting prior to the regular meeting on December 17th at 6:00 p.m. and asked if everyone would be available. Everyone was available. Atty. Franklin added that we would only need forty-eight hours notice if we need the meeting.

Discussion of Bills

Bills were presented for discussion as follows – record of payments in the amount of \$697.59, the regular list of bills in the amount of \$1,751,124.99 and an additional bill list with three items, one for \$2100.00, one for \$870.00 and one for \$9,094.08. Councilman McGuigan advised that he will be recusing himself from voting for any bills from Falasco Mechanical as this is his primary employer.

Public Portion

Ron Meischker, Harbor Master, came forward and addressed the governing body with regard to construction workers on the bridge sweeping debris into the Bay. He advised that he stopped and pointed this out to them and he will be drafting a letter to ask for a meeting with the State to address this issue.

Payment of Bills

M/S – Dill/Gerety

The bills were approved by a unanimous vote of those present with Councilman McGuigan recusing himself from voting on the bills for Falasco Mechanical as this is his primary employer. A complete list of bills is on file in the Office of the Municipal Clerk.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 12, 2015**

Page 15

Recess

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

Adjournment

Council reconvened in open session at 8:50 p.m. to adjourn.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 12-17-15